

HIGHLY CONFIDENTIAL DEPOSITION OF KATHERINE FRIESS - VOLUME 1
CONDUCTED ON TUESDAY, NOVEMBER 24, 2009

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

GLOBAL POLICY PARTNERS, LLC, :
and :
KATHERINE FRIESS YESSIN, :
Plaintiffs, : Civil Action No.:
v. : 1:09-cv-859 TSE/TRJ
BRENT YESSIN, et al., :
Defendants. :

HIGHLY CONFIDENTIAL

30(b)(6) Deposition of

KATHERINE FRIESS

VOLUME 1

Alexandria, Virginia

Tuesday, November 24, 2009

12:42 p.m.

Job No: 1-169330

Pages: 1 - 187

Reported by: Kelly Carnegie, CSR, RPR



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1 30(b)(6) Deposition of KATHERINE FRIESS,
2 VOLUME 1, taken at the law offices of:
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4
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6 DiMuroGinsberg
7 Suite 200
8 908 King Street
9 Alexandria, Virginia 22314
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15

16 Pursuant to Notice, before Kelly
17 Carnegie, Certified Shorthand Reporter, Registered
18 Professional Reporter, and Notary Public in and for
19 the Commonwealth of Virginia.
20
21
22

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A P P E A R A N C E S

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ALSO PRESENT: Brent Yessin

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1 Q Okay. So when you opened your
2 GPPWashington.com e-mail address, did you open it
3 using Outlook?

4 A Most often, yes.

5 Q So you have downloaded -- you have on your
6 computer system right now all of the e-mails that
7 existed on your GPPWashington.com e-mail address?

8 A Correct.

9 Q All right. Now, you're able to produce to
10 Mr. Yessin today any document that you believe was
11 confidential that Mr. Yessin saw while accessing your
12 account?

13 MR. NEAL: Objection to the form of the
14 question.

15 BY MR. SIMS:

16 Q Is that true?

17 A Well, I don't know what he saw because we
18 haven't gotten that information from the computer
19 forensics yet, so --

20 Q Well, let me ask you this: You brought a
21 lawsuit asserting Mr. Yessin saw confidential
22 information on your account?

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1 A Correct.

2 Q And by "your," I'm talking GPP, GPP
3 confidential information.

4 A Correct.

5 Q What information did he see?

6 A We will know as soon as the computer
7 forensics are done.

8 Q What was the basis for the --

9 MR. NEAL: Sir, you're going to have to
10 -- you're going to have to let her answer the question
11 if you're going to ask it.

12 BY MR. SIMS:

13 Q What was the basis of the lawsuit --

14 MR. NEAL: I don't think she's done with
15 the answer. Please read back the question.

16 (The reporter read the requested
17 testimony.)

18 MR. NEAL: Have you finished your answer?
19 If you have, that's fine. I'm not trying to testify.

20 A We'll know as soon as the computer forensics
21 are done because that's the way we know which
22 documents he saw. In any event, he had no authority

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1 Q So who in the new business proposals? I
2 want to know -- these would be proposals that you had
3 received in your e-mail account by July 1, 2009. So
4 in the May, June, July time period, what new business
5 proposals were located in your e-mail account?

6 A You're only talking about the May, June, and
7 July of 2000 --

8 Q And 9.

9 A 2009? The client proposals that he would
10 have illegally surveilled would have been primarily
11 related to a project I'm working on in India.

12 Q What's the name of that project?

13 A It's called Watchful Guardian.

14 Q Does GPP have a nondisclosure agreement in
15 that?

16 A Yes.

17 Q Who is the nondisclosure agreement between?

18 A The nondisclosure agreement is between GPP
19 and Essem, E-s-s-e-m.

20 Q Is that -- go ahead.

21 A There is a nondisclosure agreement --

22 MR. NEAL: You can answer the question.

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1 A -- between GPP and General Dynamics. There
2 is a nondisclosure agreement between GPP and Janus
3 Research Group. There's a nondisclosure agreement
4 between GPP and Eagle Security Corporation. There's a
5 nondisclosure agreement between GPP and Camber
6 Corporation.

7 Q How do you spell that?

8 A C-a-m-b-e-r. There's a nondisclosure
9 agreement between GPP and Gleason Research Associates.
10 There's one between GPP and International Shield,
11 Incorporated. I think that's it on that project.

12 Q Okay. Are you able to access those
13 nondisclosure agreements today?

14 A Yes.

15 Q Is there any reason why you haven't produced
16 those documents?

17 A I'm waiting for the computer forensics to
18 see if he surveilled that particular project.

19 MR. SIMS: Steve, that ain't going to
20 work. You can't do this. I'm here to take a
21 deposition.

22 MR. NEAL: No, you're here to stall the

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1 Q So the answer is no, you cannot tell me
2 today what that information is?

3 MR. NEAL: Objection, asked and answered.

4 BY MR. SIMS:

5 Q Is that correct?

6 A I will say again --

7 Q No. I need you to answer my question.

8 A I'm answering it.

9 Q So the answer to my question is correct, you
10 cannot as you sit here today tell me what information
11 that Mr. Yessin looked at that allegedly caused harm
12 to GPP. Is that a true statement?

13 MR. NEAL: Objection, asked and answered.
14 You're just arguing with the witness at this point,
15 but you can answer again.

16 A Again, I say since he accessed -- he
17 illegally accessed --

18 MR. SIMS: I'm going to call the court.

19 MR. NEAL: Go ahead and try and call the
20 court.

21 A He illegally accessed the account without
22 authorization, and we will know once the computer

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1 forensics are done exactly which documents he
2 accessed.

3 MR. SIMS: You haven't produced any
4 information to me. This is what I get, okay? I'm
5 going to move to compel. This is not the way a
6 lawsuit gets run, okay? You don't get to file a
7 lawsuit and say we'll find out later what the basis of
8 our claim is. I mean, what is the basis of your claim
9 when you filed this?

10 MR. NEAL: We have plenty of basis.
11 First of all, I'm not here to answer your questions.

12 MR. SIMS: Well, then I'm going to ask
13 the court this question. Can we get this in a
14 position so we can read it to the judge?

15 MR. NEAL: Why don't you build your
16 record first, and then move to file.

17 MR. SIMS: No, I'm not going to go
18 through this. This is ridiculous. You're hiding the
19 ball from me. You have documents. I didn't think you
20 had any documents. You haven't produced anything.
21 You don't have -- you have not produced one document
22 from the GPPWashington.com e-mail address. When are

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1 right question is. I mean, you've got your witness
2 coached. Let me go through this. We'll go ahead.
3 We'll go back on the record.

4 MR. NEAL: I'm going to take one minute.

5 (Discussion off the record.)

6 MR. SIMS: All right. I'm going to try
7 to be very specific in my questions.

8 BY MR. SIMS:

9 Q You and Mr. Weiss approved the filing of a
10 complaint against Mr. Yessin on behalf of GPP.

11 MR. NEAL: You have to answer the
12 question verbally.

13 THE WITNESS: That wasn't a question, it
14 was just --

15 BY MR. SIMS:

16 Q What confidential information did you base
17 your decision on? What information did you believe
18 had been disclosed to Mr. Yessin that you based your
19 allegations on in the complaint?

20 A I didn't believe anything was disclosed to
21 him. I believe he illegally accessed my e-mail
22 account and read confidential exchanges of information

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1 between me and my team.

2 Q Okay. Thank you for that correction. So
3 tell me -- disclosures. He sees it. How he got it
4 it, I don't really care, okay?

5 A Well, "disclosure" implies it was voluntary
6 on my part.

7 Q Well, I think that's pretty clear that you
8 don't believe it was voluntary. So what I want to
9 know is what information did you believe Mr. Yessin
10 had, as you state in the complaint, surveilled, all
11 right? What did he surveil that caused harm to GPP?

12 MR. NEAL: Objection, compound question.

13 You may answer.

14 BY MR. SIMS:

15 Q And I'm asking for your belief --

16 A You asked it in two separate sections.

17 Q I'm asking you your belief at the time you
18 authorized the filing of the complaint.

19 A I believed at the time when we authorized
20 the filing of the complaint, based on my belief that
21 the account was illegally and unauthorized accessed,
22 that during the time frame to which you refer, the

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1 exchange of client proposals during that six-week time
2 frame included confidential business proposals for the
3 government of India, six different capacities.

4 Q And those are the NDAs that you just
5 described earlier?

6 A You asked me --

7 Q Or is that something different?

8 A You asked me which clients. I said it was
9 new business proposals covered by clients that had
10 NDAs and teaming agreements in them. I did not say
11 that the NDAs were part of the e-mail exchange. I
12 said that the NDAs were part of the teaming agreement,
13 which is what you asked me about. You asked which
14 clients had the NDAs, separate and distinct from your
15 question of what I actually expect was in the e-mails
16 that were illegally surveilled.

17 Q Okay. So tell me again. What did you
18 expect -- who are the clients? What is the
19 information that you believed was seen by Mr. Yessin
20 that caused GPP harm at the time you filed the
21 complaint?

22 A Again, I say, one, no authorized access to

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1 the account.

2 Q I understand that.

3 A Illegal surveillance of the e-mails.

4 Q I understand that.

5 A I described to you it's my expectation that
6 everything was read per Mr. Yessin's holding forth
7 that he read all of my e-mails in all of my accounts
8 for two years. So with that said, keeping in mind the
9 time frame you just described, as I just said to you,
10 it is my belief that at a minimum the client proposals
11 that were put forth to the government of India of
12 which there were, I believe, six separate proposals,
13 during that time frame were illegally surveilled.

14 MR. SIMS: Would you please produce those
15 to me now?

16 MR. NEAL: I don't have them now. You'll
17 need to take that up later. Once again, you're
18 asking --

19 MR. SIMS: Is there any reason why you
20 didn't produce that in response to the initial
21 disclosures?

22 MR. NEAL: Yeah. The same thing I've

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1 harm is we'll find out when we find out from the
2 computer forensics.

3 Q So the answer to my question is as of the
4 time of you filed this lawsuit on behalf of GPP, you
5 weren't aware of any harm caused by Mr. Yessin's view
6 of any information on your GPPWashington.com e-mail
7 address, correct?

8 A Well, illegal access, unauthorized access is
9 in and of itself harm. Privacy invasion, unauthorized
10 access, by definition is harm. We filed the lawsuit
11 to stop the continued access that was not authorized.

12 Q Was there any information -- again, I'm
13 speaking here only on GPP, okay? Was there any
14 information that you had on your e-mail, e-mail
15 address related to GPP, that you did not want Mr.
16 Yessin to see?

17 A By definition, e-mails are private. I
18 wouldn't want anyone to review my e-mails.

19 Q I'm not asking that question. My question
20 is, is there any information on your -- at your e-mail
21 address that GPP did not want Mr. Yessin, its manager,
22 to see?

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1 MR. NEAL: Objection, form of the
2 question, lacks foundation.

3 You may answer.

4 A He was not authorized to read any of those
5 e-mails, full stop.

6 BY MR. SIMS:

7 Q No.

8 MR. NEAL: Stop.

9 BY MR. SIMS:

10 Q Let me print it down. Let me make this easy
11 for you, Ms. Friess.

12 A Friess.

13 Q Let's say you print down the e-mail and you
14 put it on the table in front of Mr. Yessin. My
15 question to you -- and I'm not trying to play word
16 games here -- was there a document that resided on
17 e-mail that had you printed it down and laid it on the
18 table, it would be GPP's position that Mr. Yessin
19 should not see that document?

20 A Yes.

21 Q Okay. What document is that? What
22 information was it that GPP did not want its manager

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1 to see?

2 MR. NEAL: Objection, form of the
3 question.

4 You may answer.

5 A Any of it. He wasn't working on the client
6 project. He did not have authorized access to the
7 e-mail account, full stop. So by definition, any
8 documents that were on my e-mail account were not his
9 to be accessed.

10 BY MR. SIMS:

11 Q It's true, is it not, that you did share
12 information on your e-mail account with Mr. Yessin
13 related to GPP's business?

14 A That's a bit broad. Can you tighten it up?

15 Q No.

16 A Did I share information on GPP?

17 Q It's true you shared information about GPP
18 that was on your e-mail account with Mr. Yessin?

19 A Specifically to what are you referring?

20 Q GPP's business.

21 A Broadly?

22 Q Yes.

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1 A There are e-mails. Are you talking about
2 e-mails? Are you talking about information about the
3 company? I don't know what you're getting at.

4 Q I'm talking about GPP's business. Whether
5 it was contained within an e-mail, a document attached
6 to an e-mail, I really don't care, but you did
7 communicate --

8 A Don't care? Is that the question?

9 Q -- with Mr. Yessin, did you not, about GPP's
10 business?

11 A Yes, we occasionally communicated about
12 GPP's business and all of his businesses.

13 Q All right. And in fact, in connection
14 with -- let's back up. With India, okay, explain to
15 me what the India proposal is.

16 A The proposal for India is to do a full-scale
17 counter-terrorism, counter-insurgency campaign for
18 them implementing a broad array of security measures
19 including but not limited to border security, air
20 security, maritime --

21 MR. NEAL: Slow down, slow down.

22 THE WITNESS: Sorry.

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1 A Security measures including but not limited
2 to maritime, airport, border security, oil and gas
3 security, sniper training, boots and guns, data
4 centers, fusion centers, command and control
5 operations.

6 MR. NEAL: Slow down.

7 BY MR. SIMS:

8 Q Okay. And what role was GPP having in that
9 project?

10 A I have the lead on that project, in
11 combination with a company called Essem Security in
12 India, and I lead a team of American companies in the
13 submission of a business proposal to the government of
14 India and various other entities for consideration of
15 our security projects.

16 Q Has that business proposal been submitted to
17 the government of India?

18 A I said proposals, and yes.

19 Q How many proposals have been submitted to
20 the government of India?

21 A A number of them.

22 Q Can you tell me the number?

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1 A Ballpark, nine.

2 Q Did GPP participate in each of those
3 proposals?

4 A Yes.

5 Q What was its role?

6 A I just said to you the role was we were, in
7 conjunction with Essem Security as a partner, leading
8 a team of American companies in the submission of
9 these proposals.

10 Q So you're putting together groups of people
11 to provide services in a specific area, you're not
12 going to provide the services. Is that right? GPP is
13 the not going to provide --

14 A That is not right.

15 Q That's what I'm trying to get to.

16 A Okay. Ask the question.

17 Q I'm trying to find what is GPP doing? Let's
18 take proposal number one. What service is GPP
19 providing to India? Can we go down to that detail? I
20 want to make this on the record how difficult this is
21 because I don't have these proposals, okay? So you
22 can play games with me, but I don't have the

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1 information. So I'm asking you for -- we're going to
2 walk through it, so give me proposal number one.

3 MR. NEAL: First of all, I want to make
4 an objection for the record.

5 MR. SIMS: You can see what you're doing
6 to me.

7 MR. NEAL: Stop. Relax. There's a fair
8 amount of tension going on, but I don't think you're
9 helping the witness answer your question. So why
10 don't we keep the temperature down, ask the questions,
11 and she'll answer them.

12 MR. SIMS: All right.

13 BY MR. SIMS:

14 Q So proposal number one, why don't you
15 describe that.

16 A First of all, they're not enumerated.

17 Q Well, how do you describe it?

18 A I can tell you generally how the proposals
19 are put forth.

20 I put together a team, as I've already
21 told you twice, of major U.S. defense contractors. We
22 offer a menu of services in the counter-terrorism

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1 security space. We have individually tailored
2 proposals to various entities in the government of
3 India. GPP and Essem are the contracting entities for
4 those proposals. GPP manages the proposals assuming
5 that they are accepted and executed.

6 So we create the team, we lead the
7 proposals, and we manage the contracts and do the work
8 in India if we were to get those done. However, since
9 Mr. Yessin e-mailed the CEO of the company that is my
10 partner and essentially defamed me and undercut all
11 the work I'm trying to do there, none of those
12 proposals have actually been accepted right now.

13 Q The e-mail that you're talking about, is it
14 an e-mail where he copied all the public records in
15 this case?

16 A Yes, he did.

17 Q Okay. So you knew that was a possibility
18 when you filed the lawsuit that these public records
19 would be seen by folks in India, did you not?

20 MR. NEAL: Objection, form of the
21 question, lacks foundation.

22 A Certainly not.

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1 BY MR. SIMS:

2 Q You don't believe that records filed
3 publicly are not available to the public?

4 A I think it's highly unlikely that an Indian
5 CEO would be accessing American court records in a
6 divorce proceeding.

7 Q Okay.

8 A No.

9 Q So other than the disclosure of the public
10 records, is there any other information that you
11 believe Mr. Yessin has disclosed to anyone else that
12 has caused the government of India, the government of
13 India and whoever else you're dealing with, not to
14 accept these proposals?

15 A He intentionally poisoned the well with the
16 CEO of the partner company with which I was working.

17 Q How did he poison the well?

18 A You read the e-mail.

19 Q It's that e-mail?

20 A It's on its face.

21 Q Other than that e-mail, you're not aware of
22 any other communications Mr. Yessin's had with that

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1 CEO?

2 A Well, we'll find that out when the computer
3 forensics comes back, won't we?

4 Q So the answer to my question -- and I would
5 like an answer to my question -- the answer to the
6 question is no, you're not aware of any other
7 information?

8 A Not yet.

9 Q And you weren't aware of that information
10 when you filed the complaint, were you?

11 MR. NEAL: Objection, form of the
12 question.

13 A Aware of what information?

14 BY MR. SIMS:

15 Q The e-mail that Mr. Yessin sent to the
16 CEO -- and we'll get that e-mail -- came after the
17 filing of the lawsuit, did it not?

18 A Well, he certainly didn't copy me on it, so
19 yes, I was not aware of that at the time.

20 Q So before the filing of the lawsuit, are you
21 aware of any communication between Mr. Yessin and
22 anyone associated with the Indian government related

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1 Q -- if you were ordered to do that?

2 Now, let me ask you this: Other than
3 the India project, is there any other information that
4 you believe Mr. Yessin saw when he accessed your
5 e-mail account that has impacted GPP's operations?

6 A I assume based on his statements, Mr.
7 Yessin's statements, of reading all of my e-mails for
8 the entire time that he's known me that he read every
9 single e-mail during that time frame which, again, I'm
10 sticking this to the May to July time frame, which I
11 assume you are, but you didn't state --

12 Q No. I'm asking you are you aware of any
13 other information that Mr. Yessin reviewed on your
14 e-mail account related to GPP that as a result of his
15 review, GPP's business operations were adversely
16 impacted?

17 A Again, illegal access, unauthorized access
18 of the e-mails on an e-mail system to which he didn't
19 even have an e-mail in-box or e-mail account of his
20 own is in and of itself harmful to the business of
21 GPP. The communications he had with my partner client
22 in India were damaging, obviously; verbal

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1 communications he's had with one of my subcontracts,
2 verbally damaging as well; and I assume there have
3 been many others that I don't know about which is why,
4 again, we're undertaking the computer forensics.

5 Q Okay. Now, put aside your statement.
6 Answer my question. Can you answer my question?

7 MR. NEAL: Objection, asked and answered.
8 Again, you're arguing with the witness.

9 MR. SIMS: I'm not. I need an answer.
10 Either the answer is no or it's yes. It's yes, I'm
11 aware of other information that he reviewed that
12 adversely impacted and this is the information, or no,
13 I'm not aware of it. That's not to say, Ms. Friess,
14 that you may not later become aware of some
15 information.

16 BY MR. SIMS:

17 Q I'm asking you as you sit here today as a
18 corporate representative of GPP, are you aware of any
19 other information -- put India aside -- that Mr.
20 Yessin looked at, reviewed, surveilled, whatever
21 definition you want to put on it, that was in your
22 e-mail account that adversely, because he looked at

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1 it, there was an adverse impact on GPP's operations?

2 MR. NEAL: Objection, asked and answered.

3 BY MR. SIMS:

4 Q So the answer is yes or no.

5 A Am I aware of what he reviewed?

6 Q Are you aware of anything?

7 A I don't know what he reviewed, which is why
8 we're getting the computer forensics.

9 Q So the answer is no, you're not aware,
10 correct?

11 MR. NEAL: Objection, asked and answered.

12 BY MR. SIMS:

13 Q Is that right?

14 A The answer is I will be aware of what he
15 accessed once we get the results of the computer
16 search.

17 Q So your subcontractor that you referenced,
18 who is that?

19 A It's Gleason Research Group that you have on
20 your list of NDA-covered clients.

21 Q And what did you learn in speaking to
22 Gleason Research Group?

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1 A I learned in speaking with one of their
2 senior representatives, who is the one that brought
3 them to my project in India and with whom I was
4 working on a separate representation contract, not
5 just through the India project, that Mr. Yessin had
6 said to him on more than one occasion that my
7 communications were not secure, that they should not
8 be working with me, and that I had no chance of
9 closing the India project, thereby undercutting the
10 business I was doing and could have been doing with
11 Gleason Research Group.

12 Q Who is that person?

13 A His name is Dave Chandler.

14 Q And when did you speak to Mr. Chandler that
15 he relayed that information to you?

16 A Sometime in July. I couldn't give you an
17 exact date.

18 Q Was this one conversation you had with him
19 where he relayed this information?

20 A It was two conversations because, as I said,
21 it was more than one incident with Mr. Yessin.

22 Q All right. So when was the first

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1 Q Did Mr. Chandler tell you that he believed
2 what Mr. Yessin said to him?

3 A I didn't ask him if he believed what Mr.
4 Yessin said. You'd have to ask Mr. Chandler that.

5 Q Did Mr. Chandler tell you that you needed to
6 do something to secure your e-mail system?

7 A He did not.

8 Q Did you later communicate with Mr. Chandler
9 to say you had taken action to secure GPP's e-mail
10 system?

11 A I had already taken action to secure GPP
12 system at that point in time. Being that the only
13 improper access to the system was Mr. Yessin, it was
14 pretty easy.

15 Q And that easy fix was to change the password
16 on your e-mail system?

17 A We changed out the whole thing.

18 Q Okay. But the easy fix was to change your
19 password, was it not?

20 MR. NEAL: Objection, asked and answered.

21 A Well, it's an initial fix.

22 BY MR. SIMS:

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1 Q Okay.

2 A Because we know -- when you know what the
3 single point of illegal access to the system is, then
4 you pinpoint that point of access to be able to
5 address the situation. Since it was illegal and
6 unauthorized on Mr. Yessin's part, we took a variety
7 of measures to secure the system. But it was easy,
8 quote, in that it was only one person, one access that
9 was coming in that was destroying our systems.

10 Q Right.

11 A It wasn't like a --

12 Q That single access was Mr. Yessin using your
13 user name and password, correct?

14 A That's what we believe.

15 Q That's all you are aware of as you sit here
16 today, correct?

17 A He says that he accessed Jeffrey Weiss's
18 account as well, so he accessed two of them. It's in
19 his interrogatories, so --

20 MR. SIMS: You know, this deposition
21 would really go more quickly if she'd just answer my
22 questions.

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1 aware of any fact.

2 MR. NEAL: Okay. There's no question
3 pending.

4 BY MR. SIMS:

5 Q So my question is, okay, as you sit here
6 today, the only point of access that you're aware of
7 Mr. Yessin into the GPP computer system is the use of
8 your user name and password?

9 A The only access that I know that he
10 illegally obtained in the system is based on his
11 representation that he accessed and read everything in
12 the system. I assume he did that by using my password
13 and my e-mail address.

14 Q All right. And when you learned or became
15 aware that he might be doing that, you changed your
16 user name, did you not?

17 A I changed everything because I don't know
18 the extent of access that he has. He may have access
19 in a variety of capacities. He may have spyware on my
20 computer. He may have any access -- any amount of
21 access.

22 I don't know exactly how he accessed

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1 it, so I took every step possible to secure the
2 company systems by changing servers, changing IT
3 vendors, changing e-mail addresses, changing
4 everything, because I don't know where he's
5 compromised the system. All I know is that he is the
6 compromising person who has illegally gotten into the
7 system.

8 Q Okay. So the first thing you did is you
9 changed your password, correct?

10 A Correct.

11 Q All right. And you did that -- and I think
12 you have the document.

13 A June 24.

14 Q You did it on June 24?

15 MR. NEAL: Let him get his question out,
16 okay?

17 BY MR. SIMS:

18 Q When you changed your password, did Mr.
19 Weiss change his password?

20 A You'd have to ask Mr. Weiss.

21 Q I'm asking you as the representative of GPP.
22 I'm asking the corporate representative. Did Mr.

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1 of the firm?

2 Q I would.

3 A Are you not aware of the structure of the
4 firm?

5 Q I am asking you for the structure of the
6 firm.

7 A There are two managers, Mr. Weiss and
8 myself.

9 Q I'm asking as of June 24.

10 A As of June 24, there were three managers,
11 Mr. Weiss, myself, and Mr. Yessin who illegally
12 accessed the e-mail accounts.

13 Q Were there any other employees?

14 A No other employees.

15 Q Any consultants?

16 A We have consultants.

17 Q Who are the consultants?

18 A At that point in time, Peter McIllwain.

19 Q Did he -- did Peter McIllwain have an office
20 at GPP?

21 A These are consultants, so they don't work
22 for us. They are on per case-by-case basis. When we

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1 THE WITNESS: L-a-l-i-t M-a-t-t-u.

2 BY MR. SIMS:

3 Q When was the last time you spoke with Mr.
4 Mattu?

5 A Shortly after the e-mail from Mr. Yessin to
6 Mr. Mattu.

7 Q All right. And tell me everything you
8 recall about the conversation you had with Mr. Mattu.

9 A Everything that I recall about the
10 conversation?

11 Q Yes.

12 A I told him I was terribly embarrassed about
13 the e-mail Mr. Yessin sent and I was sorry he had to
14 be dragged into a domestic dispute.

15 Q And what did he say in response?

16 A He said I'm sorry, too.

17 Q Was there anything else discussed?

18 A Not that I remember.

19 Q And was that the last conversation you had
20 with Mr. Mattu?

21 A It is indeed.

22 Q Okay. Before that conversation, how often

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1 were you speaking to him on a monthly basis?

2 A Weekly.

3 Q You were speaking with him on a weekly
4 basis?

5 A If not more.

6 Q Did you ever have difficulty in getting a
7 hold of him?

8 A No.

9 Q He's fairly responsive?

10 A Uh-huh.

11 Q You need to say yes.

12 A Yes.

13 Q Has Mr. Mattu told you that India is not
14 going to go forward with your proposals?

15 A He has said that they are not going forward
16 with the proposals for security training in New Delhi.

17 Q When did he tell you that?

18 A Right around that same time. I couldn't
19 give you the exact date.

20 Q Was it before or after your conversation
21 about Mr. Yessin's e-mail?

22 A After.

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1 A As well as what?

2 Q As well as the other ones that you're not
3 getting.

4 A Yes.

5 Q My question -- I'm not going to try to be a
6 wordsmith here. Is Mr. Mattu your key point of
7 contact in India for all of these proposals?

8 A I believe you asked me that a few minutes
9 ago, and the answer is still yes.

10 Q Has Mr. Mattu indicated to you when the home
11 minister or the intelligence bureau, when these other
12 departments or states will be deciding whether to go
13 forward with your proposals or not?

14 A The last time he told me about those was
15 prior to at the mail sent by Mr. Yessin, and they were
16 supposed to be, quote-unquote, imminent, and nothing
17 has happened.

18 Q Are you aware of why nothing has happened?

19 MR. NEAL: Objection.

20 BY MR. SIMS:

21 Q Has anybody told you?

22 MR. NEAL: Objection, form of the

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1 question.

2 You may answer.

3 A I have no idea.

4 BY MR. SIMS:

5 Q So do you know whether it was anything that
6 Mr. Yessin did that has caused these other proposals
7 not to be accepted by this point in time?

8 A I don't know. I would assume it didn't help
9 when you cast dispersions on a corporate partner who's
10 handling the security contracts.

11 Q Let me ask you this: Did Mr. Mattu tell you
12 that he had spoken to anyone within the Indian
13 government about the e-mail he received from Mr.
14 Yessin?

15 A I've never had that discussion with him.

16 Q So you're not aware either through
17 conversations with him or anyone else that Mr.
18 Yessin's e-mail went any further than Mr. Mattu?

19 A I have no idea where Mr. Yessin's e-mail
20 went.

21 Q Okay. And Mr. Mattu --

22 A Other than, of course, the other person who

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1 was cc-ed on it.

2 Q Mr. Mattu is not the decision maker for any
3 of these proposals on behalf of India, is he?

4 A He's a consultant to the government of India
5 and he is frequently on the security team flying with
6 the prime minister. So yes, he's got a great hand in
7 these proposals.

8 Q So he is a decision maker?

9 A He is part of the decision making process.

10 Q Okay. But ultimately, who is it that must
11 accept the proposal for the intelligence bureau?

12 A The national security advisor.

13 Q And Mr. Mattu doesn't -- isn't the national
14 security advisor, is he?

15 A No, he's not. As I told you, he's the CEO
16 of Essem.

17 Q Now, what is the relationship between GPP
18 and Essem?

19 A As I told you, they are my partner company
20 for which we have come together to pitch security
21 projects in India.

22 Q Do you have a joint venture agreement?

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1 That's what I'm trying to get to.

2 A No.

3 Q Do you have any sort of agreement with
4 Essem?

5 A Yes.

6 Q What kind of agreement is it?

7 A We have a teaming agreement.

8 Q Did Mr. Yessin review that teaming agreement
9 on behalf of GPP?

10 A I asked him in the capacity as my husband
11 and as a corporate lawyer to take a spin through part
12 of the legal review of the document, yes.

13 Q All right. So Mr. Yessin was aware of the
14 teaming agreement? As far as you had knowledge of, he
15 was aware of the teaming agreement between GPP and
16 Essem?

17 A Of course he was. We were married.

18 Q He was also aware, was he not, of the
19 proposals that GPP was making?

20 A He was aware of the proposals, but he was
21 not involved with the content of them.

22 Q Okay. Was there any -- do you have any

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1 account?

2 A June 24 and July 1?

3 Q July 1, yes.

4 A That was the primary action that I took.

5 Q Your e-mail account is an e-mail account
6 that's hosted on the GoDaddy.com Web site, correct?

7 A When you say my e-mail account, I assume
8 you're referring to the GPP Washington e-mail account

9 --

10 Q Yes.

11 A -- at dispute here?

12 Q I am.

13 A Yes.

14 Q All right. GPP doesn't own a server, does
15 it?

16 A Correct.

17 Q It doesn't have a network system?

18 MR. NEAL: Objection, form of the
19 question.

20 A We have an e-mail network of systems for the
21 people that work at GPP of which, of course, Mr.
22 Yessin does not have one.

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1 BY MR. SIMS:

2 Q That e-mail system that you're referring to
3 was what's hosted on the GPP -- excuse me, on the
4 GoDaddy.com Web site?

5 A Yes, via Jon Hageman's company, Logical Web.

6 Q GPP itself doesn't own any computers that
7 are networked?

8 MR. NEAL: Objection, form of the
9 question, lacks foundation.

10 You may answer.

11 BY MR. SIMS:

12 Q Do you understand what a computer network is
13 where you have a server that computers can log into?

14 A Yes. I'm well aware of what a computer
15 network is.

16 Q You do, but you filed a complaint where you
17 make an allegation that GPP owned a computer server,
18 and it doesn't, does it?

19 A I don't believe it was stated in the
20 complaint that we owned a server.

21 Q Take a look at the complaint which we've
22 marked as Exhibit 5. Look at paragraph two.

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1 system?

2 A Yes.

3 MR. NEAL: Objection, asked and answered.

4 Let me get my objection in, okay? You
5 can say whatever you want, but let me get my objection
6 in.

7 BY MR. SIMS:

8 Q What policies and procedures did GPP have in
9 place to ensure the security of its computer system?

10 A We allocated e-mail addresses, e-mail names
11 and passwords to people that were authorized to access
12 the system.

13 Q Did it have any written policies and
14 procedures?

15 A We did not have written policies and
16 procedures.

17 Q Look at paragraph 14. There you write,
18 "Defendant was not an authorized user on the GPP
19 computer and e-mail system." There you're
20 distinguishing between computer and e-mail system. So
21 what computer are you referring to?

22 (Whereupon there was an interruption in

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1 A I couldn't tell you exactly.

2 Q Do you recall having a conversation with him
3 between July 1 and July 10, 2009 related to this issue
4 with Mr. Yessin?

5 A I have no specific recollection of a phone
6 call on those days. Obviously we tried to set
7 something up. I assume we probably did, and I
8 couldn't begin to tell you what we walked about.

9 Q All right.

10 A I really don't have any specifics for that.

11 Q Do you have a recollection of any discussion
12 that you had with Mr. Hageman between July 1 and, say,
13 July 31, 2009?

14 A Yes.

15 Q Okay. Which conversation do you have a
16 specific recollection of?

17 A He told me that Mr. Yessin had called and
18 demanded my passwords and had told him that he was
19 going to be legally liable if he didn't hand over the
20 password, and that he needed to have an account set up
21 so that my e-mails would all forward to Mr. Yessin,
22 notwithstanding the fact that Mr. Yessin had no e-mail

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1 on the system.

2 Q Okay. Do you recall when that conversation
3 was?

4 A Sometime in July.

5 Q Okay. Did Mr. Hageman tell you that he
6 wasn't willing to do that?

7 A Yes.

8 Q All right. And other than what you just
9 described, is there anything else that was discussed
10 during that conversation?

11 A Not to my recollection.

12 Q Did you take any notes --

13 A No.

14 Q -- of the meeting? Okay. Is there anything
15 that you could look to that would help you refresh
16 your recollection as to what that conversation was
17 about?

18 A If something exists, I don't remember it.

19 Q Okay. You didn't follow it on with an
20 e-mail exchange with him, as far as you're aware?

21 A I don't believe so.

22 Q All right. Now, did you discuss with anyone

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1 else what your discussion was with Mr. Hageman, other
2 than your lawyer?

3 A I discussed it with Jeffrey Weiss.

4 Q Okay. Did you talk with him that day that
5 you had the conversation, or shortly after the
6 conversation?

7 A Within a reasonable time frame thereafter.

8 Q And what did you tell Mr. Weiss?

9 A I repeated the conversation with Mr.
10 Hageman.

11 Q And what did Mr. Weiss say in response?

12 A He said good when I said Jon said he
13 wouldn't do it, it's a violation of the law. Mr.
14 Yessin was asking him to violate the law, Hageman said
15 no, Jeffrey said sounds good to me.

16 Q Okay. Now, during this time period between
17 June 24, 25 when you changed your password and the
18 conversation you had with Mr. Hageman where he
19 indicates that Mr. Yessin is asking him to get access
20 or have your e-mails transferred, had you taken any
21 other steps other than changing your password to
22 protect your e-mail account?

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1 A Between what date and what date, please?

2 Q Well, let's do this. What was the next --
3 after you changed your password, what was the next
4 step you took in order to remedy or correct the
5 circumstances of Mr. Yessin having access to your
6 e-mail account?

7 A The next step I took to correct and remedy
8 the illegal breach was to remove e-mails, set up a new
9 server, a new IT host, new passwords, new e-mail
10 addresses. Excuse me.

11 Q All right. Did all that occur at the same
12 time?

13 A Virtually.

14 Q All right.

15 A Probably over a period of a couple weeks,
16 because you have to bid on sites and go through
17 Network Solutions and purchase your domain names and
18 stand it up and find a new IT guy. I mean, it all
19 happened in the course of two weeks, but --

20 Q So this happened in the July time period?

21 A Correct.

22 Q All right. So it would be the first part of

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1 July?

2 A First two weeks, correct.

3 Q All right. When you say "remove e-mails,"
4 what do you mean by that?

5 A I don't think I said "remove."

6 MR. NEAL: You did, if you want to
7 clarify your answer.

8 THE WITNESS: I'm sorry.

9 A I misspoke then.

10 BY MR. SIMS:

11 Q All right.

12 A I'll restate it.

13 Q Restate it.

14 A We got new domain names, new e-mails, new
15 passwords, new e-mail addresses, new web host, new IT
16 guy.

17 Q Okay. Now, to getting a new -- excuse me.
18 Let me ask a new question: The domain name that GPP
19 had before July 1, what was that domain name?

20 A Before July 1?

21 Q Yes.

22 A GPPWashington.com.

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1 Q And who owned that?

2 A Who owned the domain name?

3 Q Yes.

4 A It was registered by Jon Hageman and it was
5 registered at Brent Yessin's request.

6 Q Okay. So did he own it?

7 MR. NEAL: Objection, form of the
8 question.

9 A It was registered in Hageman's name.

10 BY MR. SIMS:

11 Q Did GPP --

12 A GPP own the domain name?

13 Q That domain name.

14 A I don't believe so, no.

15 Q Okay. That's why GPP went out after July 1
16 and got a domain name?

17 A Yes. We got a new -- we got a new domain
18 name because of the threats from Mr. Yessin.

19 MR. NEAL: Just hold on a second.

20 A The original domain name --

21 MR. SIMS: Hold on.

22 MR. NEAL: Just for one second.

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1 MR. SIMS: You've answered.

2 (Discussion off the record.)

3 MR. NEAL: I'm sorry. You can go ahead.

4 BY MR. SIMS:

5 Q You, I think, were going to complete your
6 answer. If you need to do that, go ahead.

7 A The original domain name, which was
8 registered by Hageman and was registered in Brent
9 Yessin's name at the time, at the time Mr. Yessin was
10 a manager of GPP, and therefore there was an
11 association between GPP and the manager of the
12 ownership of the domain name.

13 Q When you moved the domain name or changed
14 the domain name, was that after you had removed him as
15 manager?

16 A I believe, yes.

17 Q So having to purchase a new domain name is
18 something GPP needed to do after it removed Mr. Yessin
19 as a manager?

20 MR. NEAL: Objection, form of the
21 question, lacks foundation.

22 A No. We could have continued to use GPP, but

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1 in order to secure the systems, we changed everything
2 because we didn't know exactly how he was accessing
3 the systems. We knew it was illegal, we knew it was
4 inappropriate, and we knew we needed to protect
5 ourselves. So we changed out everything, and we
6 changed -- we did the changeout -- actually, we did do
7 the changeout prior to -- prior to eliminating him as
8 manager of the company. So please fix that for the
9 record. It was beforehand.

10 BY MR. SIMS:

11 Q So had you decided to remove him as a
12 manager at that point in time?

13 A No, actually not. Can I clarify one thing
14 in that context?

15 Q Yes.

16 A Once I discovered that he was in the e-mail
17 system illegally and he was trying to access it by
18 requesting illegal activity of our IT guy, that was
19 the point in time we decided everything needed to be
20 changed out. The password was changed immediately,
21 and we started the process of changing the Web site,
22 the domain, and everything at that point in time. So

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1 it really would have gone back to June 25, but it
2 takes time to get all that done, so it didn't actually
3 take effect until the middle of July.

4 Q Okay.

5 A So the decision to go forward with that was
6 in fact based upon the realization of the breach.

7 Q Okay. I've got that receipt and I can't
8 find it in here. I thought I had it right here. The
9 invoice -- who was it? Who was the IT person that GPP
10 used when it transferred to the new domain name?

11 A His name is Shawn.

12 Q Shawn?

13 A Shawn Hilbig, H-i-l-b-i-g.

14 Q Okay. And who paid for that?

15 A I did.

16 Q Personally, or on behalf of GPP?

17 A On behalf of GPP.

18 Q Now, how was that transfer effected from the
19 old GPPWashington.com e-mail account to the new
20 account? Were those e-mails just -- was there a
21 computer program that would just transfer those
22 e-mails over? That's what I'm asking. How was that

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1 transfer of old data?

2 A Correct.

3 Q Now, when you opened up Outlook to access,
4 would those -- would those, the two e-mails either
5 from GPP Washington or Global Policy, all be part of
6 the same Outlook e-mail?

7 A Yes.

8 Q Okay. Did you commence using the
9 GlobalPolicyPartnersLLC.com e-mail address before
10 shutting down the GPPWashington.com e-mail address?

11 A Shutting it down in what respect?

12 Q Where you stopped using it.

13 A Yes.

14 Q Okay. At any time before you started using
15 the GlobalPolicyPartnersLLC.com e-mail address, did
16 you see or have any evidence of e-mails or data on the
17 GPPWashington.com e-mail address that appeared to be
18 corrupted or you had lost data?

19 MR. NEAL: Objection, form of the
20 question, lacks foundation.

21 A Corrupted how?

22 BY MR. SIMS:

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1 Q In any way where you couldn't access the
2 information, you felt like it had been altered, you
3 had seen it in one form before and now it was in a
4 different form.

5 A No.

6 Q Okay. So other than -- is it fair to say
7 other than Mr. Yessin seeing your e-mails in the
8 GPPWashington.com e-mail address, as you sit here
9 today you don't have any evidence to suggest that Mr.
10 Yessin altered or changed data that was located or
11 resided on that e-mail address?

12 MR. NEAL: Objection to form, calls for
13 speculation, lacks foundation.

14 A That he corrupted data in my in-box?

15 BY MR. SIMS:

16 Q Yeah. What I'm asking is as you sit here
17 today, you don't have any reason to believe that Mr.
18 Yessin altered or changed any data that was residing
19 on the GPPWashington.com e-mail address?

20 A I don't have any --

21 MR. NEAL: Same objection.

22 You can answer.

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1 A Yeah. I have no idea what he did with the
2 e-mails that he opened.

3 BY MR. SIMS:

4 Q Right. But you don't have -- sitting here
5 today, you're not aware of any evidence that suggested
6 he did corrupt it?

7 MR. NEAL: Same objection.

8 BY MR. SIMS:

9 Q That all he did was look at the information?

10 MR. NEAL: Same objection.

11 A Well, I know that he forwarded the
12 information because you've given us a whole one copy
13 of that.

14 BY MR. SIMS:

15 Q Right.

16 A So he did more than just look at it, if
17 that's your point. He looked at it, he forwarded it,
18 he copied, he cut and pasted. I don't know what else
19 he did, but we know for sure that he opened it, and we
20 know for sure he forwarded it to somebody else at
21 least in one instance.

22 Q That e-mail that you're referring to is an

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1 unauthorized access is by itself harmful to the
2 company. He did not have access, he did not have
3 authority to access the accounts, and because we knew
4 he was accessing the account and we didn't know what
5 the damage was, we needed to stop it immediately.

6 Q As of July 22, 2009, had GPP lost any
7 business as a result of Mr. Yessin's actions?

8 MR. NEAL: Objection, form of the
9 question, calls for speculation.

10 A As of July 22?

11 BY MR. SIMS:

12 Q Yes.

13 A I don't think we knew at that point.

14 Q Sitting here today, can you tell me whether
15 it is GPP's position that as of July 22, 2009 it had
16 suffered a loss of any business as a result of Mr.
17 Yessin's activities?

18 MR. NEAL: Objection, same objection as
19 last time, and now I'll add asked and answered.

20 A As of this point in time -- and again, until
21 we find what the computer forensics say in terms of
22 what he did with the information, what he did with the

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1 data -- the fact that we haven't received any of the
2 proposals back or any confirmation from India after he
3 used the information he accessed to send defamatory
4 e-mails to my partner client and others, I would say
5 that we certainly have a suspicion if that's the case.

6 BY MR. SIMS:

7 Q All right. As of July 22, 2009, had there
8 been any interruption in GPP's business caused by
9 Brent Yessin's conduct?

10 MR. NEAL: Objection, objection, asked
11 and answered.

12 You may answer it again.

13 A There's tremendous interruption caused by
14 this, not the least of which is the time we had to
15 spend dealing with this, removing the e-mails --
16 excuse me, moving the system over to another system,
17 having to inform clients and colleagues that we had
18 new systems up and new information, new contact
19 information. There was tremendous disruption to the
20 business.

21 BY MR. SIMS:

22 Q Quantify that. Can you?

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1 A I can't.

2 Q How about interruption in -- was there any
3 point in time where your potential customers could not
4 communicate with GPP via e-mail as a result of Mr.
5 Yessin's actions?

6 A Well, for potential clients and other
7 professional contacts, if there are people that don't
8 have our new e-mail address, they cannot contact us,
9 full stop.

10 Q Well, I thought you told me you kept the old
11 GPPWashington.com e-mail address up at the same time
12 you had the Global Policy?

13 A It was a concurrent switchover.

14 Q Okay. Are you aware of any customer -- did
15 any customer tell you, potential customer, that they
16 had trouble communicating with you, that e-mails got
17 bounced back?

18 A Yeah, we have. I have gotten calls about
19 bounce-backs. But also, if they couldn't contact us,
20 then how would I know that they couldn't contact us?
21 By definition, if they can't contact us, I wouldn't
22 know that.

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1 Q All I can ask you is what you know. So has
2 anybody -- you've had calls with people who said they
3 got bounce-backs on e-mails?

4 A Bounce-backs.

5 Q Okay. Who were those people?

6 A I couldn't begin to tell you. Just, you
7 know, random phone calls --

8 Q All right. How about anybody --

9 A People that say what happened to your
10 e-mail.

11 Q I'm sorry. I didn't mean to speak over you.
12 Are you done?

13 A Yes.

14 Q Has anyone e-mailed you to tell you I had a
15 hard time getting a hold of you? Do you have my
16 written communications?

17 A Well, if they e-mailed the account and it
18 bounced, then by definition they couldn't e-mail me.
19 So I wouldn't be able to receive an e-mail saying that
20 they couldn't reach me.

21 Q I'm not asking you that. I'm asking you
22 whether -- I will disagree with you, Ms. Friess. I

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1 will say that if somebody goes to your
2 GPPWashington.com Web page, they will find your
3 e-mail, will they not?

4 MR. NEAL: First of all, objection.

5 BY MR. SIMS:

6 Q So if they get a bounce-back, they can look
7 and they can e-mail you and say, you know, we didn't
8 communicate. That's all I'm asking, did you get an
9 e-mail, because if you didn't, just say you didn't.

10 MR. NEAL: Objection.

11 BY MR. SIMS:

12 Q Did you get an e-mail?

13 MR. NEAL: Objection, asked and answered.
14 You're arguing with the witness again.

15 A Mr. Sims --

16 MR. NEAL: Just answer the question.

17 BY MR. SIMS:

18 Q Yeah. My issue here is I've got to ask the
19 questions. I've got to know whether you've got
20 something in writing because you haven't produced it
21 to me. So if you don't have anything, that's fine.

22 So if I can, did anybody write you,

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1 communicate to you in any way that was in written form
2 to say we weren't able to contact you, we've had
3 difficulty, there's an interruption in your service?
4 Any of those written communications?

5 MR. NEAL: Same objection.

6 You can answer.

7 A I'm going to help you. I think your
8 contention is that if they e-mailed the old address
9 and it bounced that they then went to the Web site and
10 they found the new e-mail address. Is that what
11 you're trying to say?

12 Q Okay. No. I'm just asking whether you
13 have --

14 A Because they wouldn't be able to get to the
15 new Web site because you wouldn't know there was one.

16 Q I'm asking you whether you have something in
17 writing from somebody?

18 A No. By definition, not.

19 Q Thank you.

20 A That's ridiculous.

21 Q What clients did you notify about the change
22 in the e-mail address?

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1 Q What comprises the hours that you are
2 contending supports your damage claim?

3 MR. NEAL: Objection to the form of the
4 question. Which part of the damage claim, or all of
5 it?

6 MR. SIMS: I'll tell you what. Let me --
7 I'll tell you what. We'll have you --

8 MR. NEAL: Give me one second. I'm
9 trying to help you get your documents, so I need to
10 get something.

11 MR. SIMS: Okay.

12 (A brief recess was had.)

13 MR. NEAL: Go ahead. I'm sorry.

14 MR. SIMS: If you need to, go ahead.

15 MR. NEAL: No, no. When she comes in,
16 she'll take back a couple things, and they're yours.

17 MR. SIMS: All right.

18 BY MR. SIMS:

19 Q Ms. Friess, if you would take a look at what
20 we had marked as Exhibit 4, which is GPP's Objections
21 and Responses to Defendant's First Set of
22 Interrogatories, and turn to page 11. The first full

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1 paragraph on page 11 starts with, "In addition, Ms.
2 Friess Yessin suffered loss of income in the amount of
3 at least \$27,500 by spending more than 50 hours of her
4 time for which she billed \$550 an hour investigating
5 defendant's intrusion, securing the Web site, and
6 transferring the Web site and e-mails."

7 So I understand that that's a component
8 of your personal damages in this case. Is that
9 correct?

10 MR. NEAL: Objection to form of the
11 question, lacks foundation.

12 You can answer.

13 A That's part of the damages.

14 BY MR. SIMS:

15 Q All right. And I want to be clear. That's
16 damages for you individually as opposed to GPP?

17 MR. NEAL: Objection to form, lacks
18 foundation.

19 A No, that's actually for both because it's
20 time away from GPP that I would otherwise be spending
21 doing business. So it's twofold.

22 BY MR. SIMS:

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1 Q So who gets the damages? If the jury comes
2 back and awards damages, is it GPP, or is it you?

3 MR. NEAL: Objection, calls for
4 speculation.

5 BY MR. SIMS:

6 Q I need to know what you're claiming.

7 MR. NEAL: Objection, calls for
8 speculation, lacks foundation.

9 You may answer.

10 A The claims are stated in the document, and I
11 have no idea what the jury is going to come back with.

12 BY MR. SIMS:

13 Q All right. Well, let's do it this way: You
14 only get paid if GPP makes money, right?

15 A That's correct.

16 Q So the only way you can lose income is if
17 GPP generates revenue --

18 MR. NEAL: Objection as to form.

19 BY MR. SIMS:

20 Q -- to pay you, right?

21 MR. NEAL: Objection as to form.

22 A The only way I lose income is if GPP

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1 we had.

2 Q Okay. What did you typically bill?

3 A We had flat retainers for our clients.

4 Q So what does that mean? You just set an
5 amount?

6 A A set amount paid monthly in advance,
7 correct.

8 Q Did you ever work out what the billing rate
9 would be for those retained clients?

10 A Billing rates are not relevant to retainer
11 clients.

12 Q So the answer is no, you never did that?

13 A No.

14 Q Okay. Well, I do want to make clear if we
15 look back -- this is GPP's response. Sitting here
16 today as GPP's 30(b)6 designee, is it GPP's position
17 that it suffered a loss of income, and that would
18 be -- I'm using the term "income" to mean net profit
19 for GPP -- as a result of your efforts to investigate
20 defendant's intrusion and securing the Web site,
21 transferring the Web site, and e-mails?

22 MR. NEAL: Objection, asked and answered.

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1 A Yes.

2 BY MR. SIMS:

3 Q Is it also GPP's position that Ms. Friess
4 suffered a loss of income as a result of her actions?

5 MR. NEAL: Same objection.

6 Answer again.

7 BY MR. SIMS:

8 Q You can say yes or no.

9 A That's -- it states what it states in the
10 complaint, full stop.

11 Q I want to know GPP's position, because what
12 it says in the complaint, GPP says -- as I understand
13 it, you're taking a different position today. You're
14 taking the position today that GPP suffered a loss of
15 income in the amount of at least \$27,500.

16 A For my lost time, yes.

17 Q All right. But that's not what's stated
18 here. You agree with me on that, don't you?

19 MR. NEAL: Objection to form.

20 A I don't agree with you.

21 BY MR. SIMS:

22 Q Okay. Let's take paragraph ten of GPP's

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1 answers to interrogatories. That's where you were. I
2 just need you to turn to page 10.

3 Here GPP was asked to state each item
4 of damage you contend Brent Yessin caused Global to
5 incur and the amount you attribute to the item, and
6 describe the method by which you calculate or value
7 the damage. And GPP's answer at page 10 is, "Subject
8 to and without waiving the general and specific
9 objections set forth above, plaintiff states plaintiff
10 has incurred damages as alleged in the complaint,
11 including costs to engage technology experts to
12 investigate intrusions and secure plaintiff's e-mail
13 accounts and documents, which to date include \$4,500
14 in setting up a new Web site and e-mail system."

15 That \$4,500, that was expended for the
16 benefit of GPP, was it not?

17 A Correct.

18 Q The \$500 fee to register and purchase a new
19 domain name, that was also expended for the benefit of
20 GPP, was it not?

21 A Correct.

22 Q And that \$500 expense is related to the

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1 GlobalPolicyPartnersLLC.com domain name?

2 A Correct.

3 Q The \$926 which was expended to establish a
4 new domain name for GlobalPolicyPartnersLLC.com with
5 Network Solutions, that was expended on behalf of and
6 for the benefit of GPP, was it not?

7 A Yes.

8 Q And the \$499 in establishing a new domain
9 name for GlobalPolicyPartners.com with Network
10 Solutions, that was expended on behalf of and for the
11 benefit of GPP, was it not?

12 A Yes.

13 Q All right. Now, what's the difference
14 between the \$500 fee to register, to purchase a new
15 domain name -- it's \$926 establishes the new domain
16 name, and then the \$499 establishes a new domain name?

17 MR. NEAL: Objection, compound.

18 A There's numerous hurdles you have to go
19 through in establishing a domain names. Registering
20 with Network Solutions -- there's bidding processes.
21 You have to put in bids and monitor the bids and watch
22 the bids, and there's time frames you have to wait for

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1 to make sure that your bid isn't taken or that you're
2 outbidding other people who are bidding on the site
3 because there were other bids going on for the domain
4 names, so they're all different.

5 BY MR. SIMS:

6 Q How much of the -- the \$4,500 is just
7 setting up a new Web site and e-mail system?

8 A That's fees for the IT guy that did all the
9 work.

10 Q Okay. Why did GPP set up a new Web site?

11 MR. NEAL: Objection, asked and answered.

12 A We didn't create a new Web site, we created
13 a new Web site host.

14 BY MR. SIMS:

15 Q For your e-mail system?

16 A For the Web site and the e-mail system,
17 correct.

18 Q Now, also it's stated in here, "Attorney's
19 fees and costs incurred since defendant's unlawful
20 activity came to light to date in the amount in excess
21 of \$100,000." Do you see that?

22 A I do.

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1 A The first?

2 Q Yeah. Are you able to identify today what
3 those other projects are that might have been
4 interfered with?

5 MR. NEAL: Objection, asked and answered.

6 A I don't know what interference he's
7 accomplished until the computer forensics report comes
8 back.

9 BY MR. SIMS:

10 Q Okay. And I take it as of today you're not
11 able to quantify what the loss is that's associated
12 with defendant's intentional tortious interference
13 with GPP's project with India?

14 A Correct.

15 Q Now, with respect to your time, the 50 hours
16 of time you spent investigating defendant's intrusion,
17 did you record that time anywhere?

18 A I did not.

19 Q How did you come up with the 50 hours of
20 time?

21 A I looked back at the time that I spent with
22 the IT guy, with Network Solutions, and I calculated

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1 it based on the time I knew I spent.

2 Q Are you able to differentiate how much of
3 that time was spent getting a new domain name versus
4 setting up the new Web site and e-mail address?

5 A I can ballpark it, but I couldn't give you
6 down to five-minute increments.

7 Q Go ahead and ballpark for me.

8 A Ballpark what?

9 Q Can you ballpark the difference in time
10 spent?

11 A Can you ask the question differently,
12 please?

13 Q Yes. How much time did you spend in
14 connection with setting up a new Web site and e-mail
15 system?

16 A Setting up the new Web site and e-mail
17 system was probably 80 percent of the time, 85.

18 Q Okay. And what are you basing that on?

19 A Because I spent about 85 percent of the time
20 setting it up.

21 Q Okay. There's nothing you would look to to
22 figure out how much time, actual time, you spent doing

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1 that?

2 A No. I told you I could ballpark it.

3 Q All right. So would the other 15 to 20
4 percent then be on setting up the new domain names?

5 A Well, the new domain names are part and
6 parcel of the new Web site and e-mail.

7 Q All right. So what's the other 15 to 20
8 percent then?

9 A That is investigating the intrusions.

10 Q What did you do to investigate the
11 intrusions?

12 A I talked to GoDaddy, or tried to talk to
13 GoDaddy, talked to our IT guy.

14 Q That's Mr. Hageman, or the new IT guy?

15 A Both.

16 Q Both?

17 A I spoke with other security professionals
18 about what problems there might be or what other
19 intrusions -- what other methods of intrusion could
20 happen and what I should look for.

21 Q Did you undertake any of those steps that
22 they told you to look for?

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1 MR. NEAL: Objection, lacks foundation.

2 A Who says they told me to take steps?

3 BY MR. SIMS:

4 Q I thought you just said that.

5 A I said I asked them what I should look for,
6 what kind of intrusion might happen.

7 Q Okay. So they didn't answer your question?

8 A They didn't say take this step to look for
9 X, Y, and Z. They said here's the type of intrusions
10 that might be able to be accomplished.

11 Q You used the word "investigate," all right?
12 So I figured you investigated. So what did you do?
13 Did you do any analysis on your computer to
14 investigate?

15 A You've asked me that, and I told you I have
16 not had it swept.

17 Q Okay. I don't know if swept is the only way
18 to do it. You talked to the IT guys, they tell you
19 what to look for. I'm trying to figure out did you do
20 anything other than sweep? And the answer is no, I
21 take it?

22 A And I also didn't do a sweep.

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1 A Did it support his work? What do you mean,
2 "support his work?"

3 BY MR. SIMS:

4 Q Were you on the phone with him when he was
5 contacting people, or --

6 A Part of the time.

7 Q Now, was it possible for GPP to set up a new
8 e-mail address and maintain its existing Web site?

9 MR. NEAL: Objection, calls for
10 speculation.

11 You can answer.

12 A Is it technologically possible to set up an
13 e-mail address and maintain a Web site?

14 BY MR. SIMS:

15 Q Yeah, its current Web site.

16 A Well, the Web site is different from an
17 e-mail address, so obviously they'd be separate items.
18 That would be possible.

19 Q Okay. So what about Mr. Yessin's actions
20 caused GPP to set up a new Web site?

21 MR. NEAL: Objection, asked and answered.

22 A Because he intruded into the systems.

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1 BY MR. SIMS:

2 Q Into the e-mail, and you just told me the
3 e-mail is different than the Web site, so I'm
4 trying to -- I'm asking you what about his actions
5 caused GPP to purchase a new Web site?

6 A Well, he threatened to shut down the Web
7 site.

8 Q And that's because he owned the domain name?

9 MR. NEAL: Objection, lacks foundation.

10 BY MR. SIMS:

11 Q Is that right?

12 A Yes.

13 Q Okay. And you were in the process of having
14 a divorce. You were separated from Mr. Yessin at that
15 point in time?

16 A Yes.

17 Q All right. So -- all right. So --

18 A His threat to destroy the business we took
19 very seriously.

20 Q Well, the business owes him \$150,000,
21 doesn't it?

22 MR. NEAL: Objection, lacks foundation.

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1 understand that to be related to the Web site as well?

2 A Correct.

3 Q And then number six, creating, updating, and
4 uploading content, do you also understand that to be
5 associated with the new Web site?

6 A Correct.

7 Q And then modifying images and creating slide
8 show, is that also related to the Web site?

9 A It is.

10 Q Support calls, Q and A, is that calls to
11 you?

12 A Yes.

13 Q All right. So the only item on here that
14 relates to e-mail address setup is number two?

15 A No, it's all tied together.

16 Q Well, that's your contention, they're all
17 tied together?

18 A It is all tied together because you have to
19 change the content on the Web site and the contact
20 information on the Web site. It's all interrelated.

21 Q What about this -- what's this other
22 information that's attached? Do you recognize these

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1 documents? What are they related to?

2 A Which question do you want answered?

3 MR. NEAL: Why don't you identify what
4 document you're talking about.

5 BY MR. SIMS:

6 Q Take a look at Bates 353, NameJet. What do
7 you understand that document to be? Is that
8 purchasing the new domain name?

9 A Yes.

10 Q And Bates 354, there's a charge for \$925.40.
11 What do you understand that charge is for?

12 A That's the Network Solutions charge to get
13 the domain names.

14 Q All right. And then Bates 356, the \$499 is
15 also related to the domain name?

16 A Correct. Actually, that's not true. That's
17 related to the hosting activities for the e-mail
18 account as well because that's the web hosting, both
19 of those. There's the auction, which is to purchase
20 the domain name, and then there's the web hosting you
21 have to have in order to host the domain name and the
22 e-mail.

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1 Q All right.

2 A So the Network Solution charges are related
3 to the e-mail systems and the Web site. It's a
4 hosting charge. If you'll notice, it says
5 MessageGuard, et cetera, in the details of the
6 invoice.

7 Q All right.

8 MR. SIMS: Mark this as Exhibit 12.

9 (Friess Deposition Exhibit 12 was marked
10 for identification and was attached to the deposition
11 transcript.)

12 BY MR. SIMS:

13 Q Do you recognize these documents --

14 A I do.

15 Q -- which is marked as Exhibit 12? Do you
16 recognize these as, I guess, Global Policy Partners --
17 I guess this is a check register?

18 A It is.

19 Q All right. If you take a look at the last
20 page, which is Bates 1106, the check -- the last check
21 there is January 2, 2009. Do you see that? Are there
22 other records of checks between January 2, 2009 to the

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1 Q All right. When was this invoice created?

2 A When was it created?

3 Q Yes.

4 A Probably March 16 or 17, either the date it
5 was sent or the day before.

6 Q Who created the invoice?

7 A I did.

8 Q All right. What's redacted here? Is it the
9 name and then the project? Is that what you're
10 redacting?

11 MR. NEAL: She didn't redact it, I did.

12 BY MR. SIMS:

13 Q Do you know what was here?

14 A Yes.

15 Q Was it the project name?

16 A If it's redacted --

17 MR. NEAL: Well, I'll tell you what.
18 You've already testified exactly what was on there.

19 MR. SIMS: I know.

20 MR. NEAL: So go ahead and tell him
21 exactly what it is.

22 A It's an invoice to Alan Gerson, re: the

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1 Michael Huffington project.

2 BY MR. SIMS:

3 Q All right. Did you provide time sheets with
4 this?

5 MR. NEAL: Objection, asked and answered.
6 This is the third time you've gone through this set of
7 questions.

8 MR. SIMS: No, I didn't. I've not ever
9 asked her --

10 MR. NEAL: You asked whether or not she
11 had any backup information to justify her hours.

12 MR. SIMS: No, I'm asking whether she
13 provided time sheets.

14 MR. NEAL: All right. Go ahead.

15 A Yes.

16 BY MR. SIMS:

17 Q Okay. Do you have those time sheets?

18 A Yes.

19 Q Okay.

20 MR. SIMS: I'd ask you to produce those
21 time sheets.

22 MR. NEAL: Okay. May I ask why?

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1 MR. SIMS: You know, you're objecting to
2 me.

3 MR. NEAL: Tell me why you need time
4 sheets since we're on the record and may be going back
5 before the judge.

6 MR. SIMS: Because this is the only time
7 that she's billed for \$550 an hour, okay?

8 MR. NEAL: And she swore under oath that
9 she did it.

10 MR. SIMS: Right, and I'd like to see the
11 time sheets. This is -- you know what, this is
12 litigation. I get to look. If she's going to make
13 this claim, I get to look at it because maybe I've got
14 something in there I can impeach her with.

15 MR. NEAL: Okay.

16 MR. SIMS: I mean, it's the nature of the
17 business.

18 MR. NEAL: When do I get to look at Mr.
19 Yessin's discovery responses? When is he going to
20 produce all the things he looked at?

21 MR. SIMS: I have produced.

22 MR. NEAL: You have? We'll see about

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1 disclosure of this e-mail?

2 A No.

3 Q In this e-mail, if I understand your
4 allegations, is that you disclosed a potential
5 settlement posture that you might have with Mr.
6 Yessin --

7 A Correct.

8 Q -- is that right? All right. As of June
9 19, 2009, did you have any indication that Mr. Yessin
10 would settle any of the matters in dispute with you?

11 A Yes.

12 Q Okay. What indication did you have?

13 A He told me he wanted to hire a moderator --
14 a mediator and get the divorce finalized quickly.

15 Q Okay. Did you exchange proposals at that
16 point?

17 A We had not yet exchanged proposals.

18 Q At any time before June 19, 2009, had you
19 disclosed anything that's listed in here as a concept
20 in terms of a proposal to Mr. Yessin?

21 A No.

22 Q At any time after June 19, 2009, did you

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1 A At this -- I don't know where he is. I
2 don't know if he's traveling right now. I don't know
3 what he's doing right now because I haven't talked to
4 him.

5 Q All right. I want to back up in time back
6 to the summer of 2007. Can you tell me briefly just
7 how the concept of forming GPP came about.

8 A I was with a previous consulting firm called
9 Global Policy Group with a partner of mine. We split
10 the partnership, decided to form a new company.
11 Jeffrey and I talked about working for years, decided
12 to do this company. Brent said I think it's a great
13 idea, I'll stand it up for you, I'll give you guys
14 some money. We said great. So we started formulating
15 it, and here we are.

16 Q At the time -- as of July 2007, did the
17 formation of GPP contemplate three partners?

18 MR. NEAL: Objection to the form of the
19 question.

20 A In July 2007 when we stood this up, per the
21 articles of incorporation, we initiated it with three
22 managers.

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1 BY MR. SIMS:

2 Q I asked whether you had three partners.

3 That's what --

4 A We did not have three partners.

5 Q Okay.

6 A We had three managers.

7 Q Did you have three members?

8 A We did not have three members.

9 Q Who were the members of Global Policy
10 Partners, LLC?

11 A Jeffrey Weiss and myself because we're the
12 lobbyists.

13 Q I'm sorry?

14 A Because we're the lobbyists. That's what
15 the firm does.

16 Q Okay. So at the time -- did you have
17 discussions with Mr. Yessin in that July time period
18 where you discussed the management and the ownership
19 concept around GPP?

20 A Not per se. We threw it together in rather
21 quick form. It was pretty -- pretty quickly stood up,
22 and he said I'd love to help, I'll fund this, and we

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1 A And some of these are my own documents, so
2 in fact, now that I've gotten through the 17 pages of
3 this, which are mostly unrelated.

4 Q The GPP/KFY 6 document, Bates number 6 --

5 A If you'll give me a second to get through
6 all of them. Page 6?

7 MR. NEAL: Page 6.

8 THE WITNESS: Yes.

9 BY MR. SIMS:

10 Q Where did you obtain this document from?

11 A I think Dawn Russell is the one who provided
12 this initially because she did the filing.

13 Q All right. Whose handwriting is on here, if
14 you know?

15 A I have no idea. This?

16 Q Yes.

17 A No idea.

18 MR. NEAL: Let me -- just for the record,
19 it's mine.

20 MR. SIMS: Okay.

21 BY MR. SIMS:

22 Q Is there any document that you're aware of

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1 that lists the members of GPP?

2 A I don't believe so, no. It was an oral
3 agreement between Jeffrey and me.

4 Q When did you reach that oral agreement with
5 Mr. Weiss?

6 A It's just been -- it's always been an
7 understood situation with Mr. Yessin as well. We
8 stood this up. Again, it was for Jeffrey and me to
9 have a lobbying and consulting firm. Mr. Yessin,
10 having five companies of his own, thought this would
11 be a great idea, and he offered to give me the money
12 to get it started because we were newly engaged.

13 Q My question was more specific. You said
14 there was an oral agreement. My question was when did
15 you have an oral agreement with Mr. Weiss?

16 A I couldn't put a specific date on it.

17 Q Okay. What were the terms of that oral
18 agreement?

19 A The oral agreement pertaining to?

20 Q GPP.

21 A Overall?

22 Q Yes.

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1 A That it would be a 50/50 run show. We would
2 be equally in charge of the company, and we would be
3 the members and two-thirds of the managers of the
4 company.

5 Q Why was Mr. Yessin made a manager of the
6 company if he wasn't going to be a member?

7 A Because he was my fiance and he wanted to be
8 involved, just like I am a manager in his company,
9 MODUS Health Care, LLC. We were equally involved in
10 each other's businesses and companies, things you do
11 when you're madly in love and you think you're going
12 to be married for the next 50 years.

13 Q Now, initially when the GPP e-mail system
14 was set up, that was set up by Mr. Yessin, was it not?

15 A It was set up by Jon Hageman.

16 Q Didn't he -- didn't Mr. Yessin hire Mr.
17 Hageman to do that for GPP?

18 MR. NEAL: Objection, lacks foundation,
19 lacks personal knowledge.

20 MR. SIMS: I'm asking GPP's corporate
21 rep. If she doesn't know, I think -- she can answer
22 that question.

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1 MR. NEAL: I didn't say she couldn't
2 answer.

3 MR. SIMS: All right.

4 A I believe that Dawn Russell was the one that
5 reached out to Jon Hageman.

6 BY MR. SIMS:

7 Q Who is Dawn Russell?

8 A Dawn Russell is the former assistant to Mr.
9 Yessin.

10 Q So she was taking her direction, as far as
11 you're aware, from Mr. Yessin?

12 A And myself.

13 MR. NEAL: Same objection. Objection,
14 lacks foundation.

15 BY MR. SIMS:

16 Q Did she work for you?

17 MR. NEAL: Objection, lacks foundation.

18 BY MR. SIMS:

19 Q Did Dawn Russell work for you?

20 A No, she did not work directly for me.

21 Q All right.

22 MR SIMS: We'll mark this as Exhibit 20.

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1 Q Ms. Friess, do you recognize -- and I'll do
2 it this way from here on out. Exhibit 20 is an e-mail
3 from Dawn Russell dated Tuesday, July 17, 2007 to you
4 at your Katherine_Friess@hotmail.com e-mail address.

5 A I do indeed.

6 Q And is this an e-mail you received on or
7 about Tuesday, July 17, 2007?

8 A Yes, it is.

9 Q And in this e-mail -- you understood, did
10 you not, by this e-mail that Dawn Russell, who was an
11 agent and employee of Brent Yessin, was forwarding you
12 information related to your -- the creation of the
13 GPPWashington.com e-mail address?

14 A Yes.

15 Q Okay. And she provided you with the
16 password to use with that GPPWashington.com e-mail
17 address, did she not?

18 A She did.

19 Q And that password was global1, was it not?

20 A Yes, it was.

21 Q And you used that global1 password on or
22 about November of 2008, did you not?

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1 A I think it was December, but yeah, right
2 about then.

3 Q Okay. And after that you changed it to
4 global2, did you not?

5 A I did.

6 Q And you kept it as global2 up until the
7 point of about June 24, 25 --

8 A Correct.

9 Q -- of 2009. Is that correct?

10 MR. NEAL: Let him finish his question.

11 A Yes, it is.

12 BY MR. SIMS:

13 Q All right. Now, at the time that this
14 e-mail account, the GPPWashington.com e-mail address
15 account, was created, did GPP come up with any
16 policies or procedures for protecting the user names
17 or passwords of folks that were providing access to
18 the GPPWashington.com e-mail address?

19 A The understanding among the people that had
20 e-mail addresses, which was myself and Jeffrey Weiss,
21 was that we would keep them preserved. They were only
22 given to us from Dawn, from Jon Hageman to Dawn to me

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1 A Yes, I do.

2 Q And ultimately do you understand that Mr.
3 Yessin acquired the GlobalPolicyPartners.com domain
4 name?

5 A Honestly, at the time I thought it was
6 registered in the company's name and that there's a
7 subsequent e-mail from Jon Hageman that says it should
8 have been switched from Brent to GPP as ownership, and
9 it never got done. But it wasn't something that I was
10 specifically aware of at the time.

11 Q All right. My question, though, was are you
12 aware that he acquired the domain name?

13 MR. NEAL: Objection to the form of the
14 question.

15 BY MR. SIMS:

16 Q Either yes, he did acquire it -- you may
17 have thought he was doing something else, but --

18 A It was my understanding that Jon Hageman
19 acquired it on behalf of GPP, and I did not know until
20 relatively recently that it was actually registered
21 under Brent's name. I thought it was registered under
22 the corporate name.

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1 Q Okay. What steps did you take in the July
2 time period to determine who owned the domain name?

3 MR. NEAL: Just to be clear, July 2007?

4 MR. SIMS: Yes.

5 MR. NEAL: Okay.

6 BY MR. SIMS:

7 Q Did you take any steps?

8 A No.

9 Q Did you request that it be purchased in the
10 name of Global Policy Partners?

11 A I assumed it would be, but I don't know that
12 I specifically requested it.

13 Q All right. It's a true fact, is it not,
14 that GPP never acquired the GPPWashington.com domain
15 name?

16 MR. NEAL: Objection, form of the
17 question.

18 A Again, I thought it was registered to the
19 company name. I didn't know it was registered
20 directly to Brent, but as he was a manager of the
21 company and has a fiduciary duty to the company, the
22 fact that it was under his name should not have been

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1 anything that was dangerous for the company's
2 interest.

3 BY MR. SIMS:

4 Q So is it GPP's position that it owned the
5 GPPWashington.com e-mail address?

6 A No, not any longer.

7 Q You understood, did you not, at this time,
8 July of 2007, that Mr. Yessin was funding the money to
9 purchase the domain name for GPP?

10 A Yes.

11 Q Okay. And in fact, Mr. Yessin was providing
12 all the funding for the start-up of GPP at that time,
13 was he not?

14 A He was indeed.

15 Q Okay.

16 MR. SIMS: We'll mark this as 21. Is
17 that right?

18 THE REPORTER: 22.

19 MR. SIMS: 22.

20 (Friess Deposition Exhibit 22 was marked
21 for identification and was attached to the deposition
22 transcript.)

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1 BY MR. SIMS:

2 Q Ms. Friess, I've hand to you as Exhibit 22 a
3 copy of a check made payable to the order of Global
4 Policy Partners, LLC by Brent Yessin. Do you
5 recognize this check?

6 A I do.

7 Q Was this the initial -- was this a payment
8 made by Brent Yessin for the purposes of funding
9 Global Policy Partners?

10 A It was indeed. And I'd like to clarify that
11 the first time I saw the physical check is for the
12 court case, that I hadn't seen the actual physical
13 check until this court case came about.

14 Q Before that, you just were aware that money
15 had been deposited into the GPP account?

16 A Correct.

17 Q All right. So I take it until this court
18 case, you didn't see that there was a notation made on
19 the check that it was for a loan?

20 A Correct.

21 Q But that was your expectation, was it not?

22 A It was not.

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1 Q Well, if he's not a member of the LLC, what
2 could it be other than a loan?

3 A A gift to your fiancée.

4 Q So you treated this as a gift?

5 A I did. He said I'd be happy to help you
6 start up the firm, I'll give you the money to do it.
7 That was the discussion we had. And I said great, I
8 really appreciate it.

9 He was spending money left and right like
10 there was no tomorrow and was happy to do it, and
11 spending money on other companies and other expenses.
12 And at the time, while it seems like a lot of money,
13 I'm sure, to people reading it right now, he was
14 spending money left and right of this caliber for
15 other things, and it didn't occur to me that it was
16 something that was other than a gift at the time.

17 Q Did Mr. Yessin later put \$50,000, another
18 \$50,000, into the company?

19 A We put \$50,000 into the company.

20 Q Okay.

21 A We were married and it was marital money.

22 Q All right. So another \$50,000 came from

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1 either both you and Mr. Yessin?

2 A Correct.

3 Q Okay.

4 A In December, I believe, of '07.

5 Q Was there any other money put into the
6 company by either you or Mr. Yessin?

7 A I don't believe so.

8 Q Was there anyone else who made gifts to the
9 company?

10 A No.

11 Q Was there anyone else who made loans to the
12 company?

13 A No.

14 MR. SIMS: We'll mark this as 23.

15 (Friess Deposition Exhibit 23 was marked
16 for identification and was attached to the deposition
17 transcript.)

18 BY MR. SIMS:

19 Q Ms. Friess, I've handed you an e-mail from
20 you to Brent Yessin dated Monday, August 6, 2007.
21 We've marked it Exhibit 23. Do you recognize this as
22 an e-mail that you sent to Mr. Yessin?

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1 purposes." That's suggests that there was a
2 discussion of membership, but not percentages. Do you
3 recall -- does that refresh your recollection of any
4 discussion with him about membership?

5 A I would assume that to be accurate, and as
6 well as the fact that he hadn't discussed -- we hadn't
7 come to an agreement on it.

8 Q Was Mr. Weiss at that meeting?

9 A He was not. That meeting took place in
10 Florida.

11 Q Did you have follow-on discussions with Mr.
12 Weiss about what was discussed with Mr. Clarke?

13 A Yes.

14 Q And what did you tell him?

15 A I told him that Mr. Clarke was going to put
16 together draft documents and send them to us for our
17 consideration.

18 Q Okay. Now, the reference in here is also to
19 a \$200,000 note. What was that about?

20 A That's a good question, because there was
21 never \$200,000 anywhere. So this was, again, just
22 something that Brent and Philip Clarke put together

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1 and sent off to us for consideration which, of course,
2 we never executed.

3 Q Was there any discussion in that meeting
4 about the fact that Mr. Yessin had put in \$100,000
5 already into the company and would be funding
6 additional money and wanted a note back?

7 Q I don't --

8 MR. NEAL: Objection, form of the
9 question.

10 You may answer.

11 A I don't remember the specifics of the
12 discussion. I assume we discussed it at some point,
13 but that money is a genuine question of fact as to
14 what it was qualified as, because in various
15 iterations it's been referred to as a capital
16 contribution, it's been referred to as a loan.

17 It was initially -- my understanding,
18 Mr. Weiss's understanding was that it was a gift to
19 get this all started up and get it going. And since
20 we never came to any sort of agreement on it between
21 the three of us, none of that was ever executed.

22 Q You would agree with me, would you not, that

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1 BY MR. SIMS:

2 Q Do you recognize what I've handed you as
3 Exhibit 27?

4 A I do.

5 Q Did you ever have any discussions with Mr.
6 Yessin about this draft of the \$200,000 promissory
7 note?

8 A This draft was e-mailed to me from Mr.
9 Clarke along with the draft operating agreement for
10 our consideration, I believe October -- yeah, October
11 2007. We didn't discuss it. We didn't address it.
12 We didn't agree to it. We didn't execute it.
13 Frankly, I don't know where \$200,000 came from because
14 there was no \$200,000 contribution. It was
15 re-e-mailed to me by Mr. Yessin in January of 2008.
16 And again, we didn't discuss it, we didn't execute it,
17 we didn't agree to it.

18 Q Are you aware of any document that refers to
19 Mr. Yessin's initial \$100,000 input into the company
20 as a gift?

21 A No. That was just an oral discussion when
22 we were sitting around talking about standing up this

1 LLC and getting it off the ground.

2 Q At this time in October of 2007, was it
3 contemplated that GPP would bring in other members,
4 owners?

5 A We had -- initially we wanted it just to be
6 Jeffrey Weiss and me, and Brent would be one of the
7 managers as well. We then -- and I couldn't give you
8 the exact date again -- discussed with yet another
9 gentleman named Devinda --

10 MR. NEAL: You need to spell that.

11 THE WITNESS: I'll try.

12 MR. SIMS: I'll get you that spelling if
13 you need it.

14 THE WITNESS: I can do it. D-e-v-i-n-d-a
15 S-u-b-a-s-i-n-g-h-e, and his title is ambassador.

16 MR. NEAL: I don't know. Did you finish
17 your question?

18 MR. SIMS: I think -- let me ask that
19 again because we got interrupted on that.

20 BY MR. SIMS:

21 Q I was asking you about whether there was any
22 contemplation in that time period, the September 2007

1 and husband, as we were.

2 Q Now, the first page of this document, the
3 last e-mail in here, there's an e-mail. It's from
4 you to -- and I apologize for this, but I'm just going
5 to use his first name -- Devinda.

6 A That's fine.

7 Q I think it's easier, if I don't insult him.

8 A No, not at all.

9 Q And others. The last line in there you make
10 reference to "the only people authorized by law to
11 sign binding documents on behalf of GPP are Brent
12 Yessin and me." Do you see that?

13 A I do.

14 Q Okay. Now, why did you say that?

15 A I thought it was -- I thought it was
16 accurate, but I think I'm absolutely wrong on the law
17 on that. As I said, looking into it subsequently, I
18 believe if you've got three managers for an LLC that
19 any one of the managers has authority to sign
20 documents that aren't significantly huge binding
21 documents. Small little things, you know, small
22 things each of them can sign.

1 Q How come you didn't include Mr. Weiss in
2 that as one of the three people authorized to sign
3 binding documents on behalf of GPP?

4 A Absolute flat mistake on my part.

5 Q So was it -- at the time you wrote this, did
6 you have a conscious decision not include Mr. Weiss?

7 A I don't think so. But it was, again, just a
8 absolute mistake on my part.

9 Q All right. Now, in here you also indicate
10 on the line right above it that you're the only one
11 financially contributing. "I'm the only financially
12 contributing person in this venture through Brent's
13 \$150,000 capital contribution of which you have been
14 availed \$20,000." What did you mean by that? Had you
15 used some of that money that had come in to pay
16 Devinda?

17 A Well, as money is fundable -- and we had
18 clients paying as well. It wasn't necessarily the
19 money that Brent initially gave us, just because it's
20 all in the bank account together, so I don't know that
21 I can attribute it directly to that contribution.

22 What we were doing is we were giving

1 Q All right. When was the last time you
2 received compensation from GPP?

3 A I think it was November or December of 2008.

4 Q Okay. So I guess in 2009, the revenue into
5 GPP has not exceeded its expenses?

6 A Correct.

7 Q Okay. And is that because you haven't been
8 able to get new clients in? What is the reason -- do
9 you have a reason what you think is going on? Is it
10 the economy or what?

11 A It's a whole mix.

12 Q Okay.

13 A It's 1,500 lobbyists out of work in
14 Washington and a change in administration, but also we
15 had a number of things that were not related to the
16 political system that were more along the lines of new
17 business, and we've really been focusing primarily on
18 getting the India project over the finish line. That
19 is really what we were banking on.

20 Q Okay.

21 A And until my husband walked out on me, I was
22 working a lot on his businesses, on MODUS Health Care,

1 and the plan was at a point in time that MODUS would
2 then hire GPP as its political operations in
3 Washington to handle outreach to the administration
4 and the agencies, to be able to do business
5 development for sales of the prefabricated hospitals
6 into the Department of Defense, Department of Veterans
7 Affairs, all the government clients.

8 So we had a couple of things we were
9 banking on, one of which was MODUS, which of course
10 isn't going to happen in a brutal divorce, and the
11 other one of which was India, which he has potentially
12 successfully tanked for us as well.

13 Q If you look at Bates 207.

14 A Yeah.

15 Q There's a reference in there under expenses
16 of loan repayment with interest, \$25,000. What loan
17 is that referring to?

18 A That is probably contemplating trying to
19 repay Brent.

20 Q Okay. At any point between, I guess,
21 September 2007 through today, has any money been
22 repaid to Brent?

1 joint venture agreement, had you had him look at
2 anything else related to the India project?

3 A I don't think so, but I couldn't be entirely
4 sure, because John Lauderdale is a partner of Brent's
5 at REPI and he drafted it and wanted Brent to be in
6 the loop because it's his business partner that was
7 drafting the agreement, so --

8 Q Did you -- you asked him to review the
9 documents. Did you want him to provide comments on
10 that joint venture agreement?

11 A Not necessarily.

12 Q Okay. All right. Did he provide comments?

13 A I think he provided comment when I asked him
14 a question at a later date about venue for potential
15 litigation problems that were included in the
16 contract, but I don't think he necessarily came back
17 to me with anything on this. I think he just took it
18 under advisement and had it --

19 Q The proposals that you sent before this, so
20 before the Mumbai bombings, what were those -- how
21 many proposals were there?

22 A I think it was just one major one.

1 Q Okay. And to what governmental entity were
2 you making that proposal?

3 A I sent the proposal to our partner, Lalit
4 Mattu.

5 Q Okay.

6 A And he submitted the proposals, I believe,
7 directly to the prime minister.

8 Q Did he copy you on the transmittal of the
9 proposal to the prime minister?

10 A It was delivered by hand.

11 Q Okay. He delivered that by hand in a
12 meeting with the prime minister?

13 A Correct.

14 Q And it was just Lalit?

15 A Lalit.

16 Q Lalit? Nobody, I guess, on your side, the
17 GPP side?

18 A Yes, just representatives Essem.

19 Q Okay. Did he report back to you about the
20 prime minister's response to the proposal?

21 A Uh-huh.

22 Q What did he say?

1 A He said, you know, we had a good meeting,
2 everything looks terrific, they're very excited about
3 the proposal, they're interested in further
4 discussions. Lalit and I had frequent conversations
5 just as he would update me on how the meetings were
6 coming along.

7 Q All right. Now, did you get word back after
8 Mumbai -- I know you all submit different proposals.
9 Did you get word back from the Indian government or
10 the prime minister that they wanted expanded proposals
11 or anything along those lines?

12 A They wanted -- after the bombings happened,
13 they came back. They wanted more proposals targeted
14 to different aspects of the government, and they
15 wanted my team to come over for a visit to pitch the
16 business in person. So it would be the primary people
17 that were involved in that time, which is me and the
18 defense subcontractors, and one member of the five key
19 companies essentially.

20 Q I take it the Indian government doesn't have
21 the same sort of bid process we have here in the
22 United States. Is that fair to say?

1 A That's fair to say.

2 Q Okay. Now, at least when you made the first
3 proposal, do you know whether there were others that
4 were also making proposals at that time?

5 A It was my understanding that they only
6 wanted to work with an American team, and the only
7 American team with which they were meeting was my
8 team.

9 Q All right. Now, after the Mumbai bombings
10 when they came back to GPP and said we want more
11 expanded proposals, did they indicate that they were
12 asking for proposals from other American teams or
13 companies?

14 A No. In fact, they specifically said that
15 the only team they were dealing with was our team.

16 Q As of today, have you heard anything
17 different from the Indian government that the only
18 team they're dealing with is GPP?

19 A The last I heard when I last spoke with
20 Lalit is that we were still the only team at the
21 finish line. There's foreign teams that have pitched
22 for the business, but the Indian government has stated

1 to Lalit that they only want to work with American
2 teams for this particular work.

3 Q So the other three teams are non-American?

4 A I wouldn't say three, but there are other
5 teams that are foreign.

6 Q Okay.

7 A And again, when I say "teams," I think it's
8 individual companies. There's no team like I have.
9 We have a very unique -- we're the only people that
10 have brought together the top-notch talent in
11 counter-terrorism and national security and putting in
12 one team to provide a list of menu options to the
13 client for what their particular needs are.

14 Q So your understanding at least of these
15 other proposals from foreign companies is as a single
16 company?

17 A Single companies, yeah.

18 Q You haven't heard anything out there on the
19 streets that any of these other companies had gotten
20 the work from India?

21 A No.

22 Q Okay.

1 A And I've asked.

2 Q So I guess as you sit here today, it's still
3 possible for GPP to get this work, right?

4 A I hope so, but I don't know. It doesn't
5 look good. It certainly doesn't help when you have a
6 member of the company or a manager of the company who
7 was not authorized to work on the client calling up
8 the CEO of the business partner and undercutting the
9 whole deal. That spooks people, especially in
10 national security work.

11 Q Now, going back to Exhibit -- I forget where
12 we're at -- 39, I take it this JV agreement is what
13 ultimately became the teaming agreement between GPP
14 and Essem?

15 A I'd have to review what this actual
16 attachment was. But yes, the final agreement that we
17 had was the teaming agreement which we provided to
18 you.

19 Q Right. Let me go ahead and mark that then
20 as 40.

21 MR. NEAL: Hold on one second.

22 MR. SIMS: Was there more -- I see what's

1 A It was -- I know the home minister rejected
2 it, and I think I mentioned that yesterday.

3 Q You did, but I -- other than the fact that
4 the home minister rejected it, you don't know why he
5 rejected it?

6 A I think they're going to end up keeping --
7 they're going to have local contractors do the
8 training, but it's not going to go to a foreign entity
9 and it's not going to any other Americans, and I don't
10 think it's been let to anyone, anyway.

11 Q Now, going back to the Rough Order of
12 Magnitude for project Watchful Guardian, looking at
13 this -- I'm just trying to get a feel for -- I guess
14 in looking at this document, are you able from looking
15 at the document to determine how much time that GPP,
16 either you or Mr. Weiss, would have been spending in
17 terms of what your projected revenues would have been
18 had this proposal been accepted?

19 A I can tell you what we -- what we billed it
20 at.

21 Q Okay.

22 A I think it's in here. I think the dollar

1 figures on this one are in here. You'll have to give
2 me a minute to go to exactly where it is. This is a
3 \$10 million contract, and essentially our time and
4 effort comes to about ten percent of that, and we
5 would be spending most of our time over in India.
6 This would be -- if we got this, it would be the
7 kick-off and we'd move over and continue to work the
8 other contracts.

9 Q Okay. So the -- all right. So explain that
10 to me. So this is -- the document we're looking at,
11 which is the project Watchful Guardian, you just
12 described it as being the kick-off. What do you mean
13 by that? Is that like a master agreement?

14 A No. If one of these were to move forward,
15 then that would allow us to be on the ground over
16 there, which would allow us then to go and work the
17 other proposals in person, meaning that they'd more
18 likely go to the finish line.

19 Q I understand. Okay.

20 A And it doesn't have to be this one, it could
21 be any of them.

22 Q I gotcha. Now, each of these agreements

1 have certain dates on them, like this one has June 17
2 and this is June 1. Do those dates reflect about when
3 they were presented to the various Indian entities?

4 A Yes.

5 Q All right. Did these -- each of these
6 documents appears, looks like -- you can go through
7 here, but there's a forwarding e-mail from you to
8 Stacey Rose and Steve Neal on or about October 24. It
9 may be off as I look through it. Where did you go
10 into your computer system to pull these documents out?

11 A Outlook.

12 Q Okay. So they were in your Outlook e-mail
13 folder? Before they were produced today or yesterday,
14 had you shared with Mr. Yessin any of these documents?

15 A Not to my knowledge. I generally did not
16 share any of these proposals with him.

17 Q Did you discuss with him anything about
18 these proposals?

19 A I discussed my excitement at the possibility
20 of getting the work.

21 Q Right. How about in terms of the nature of
22 what these proposals were?

1 A He knew the gist of it, obviously, but he
2 doesn't have a defense and counter-intelligence
3 background, so it's not really relevant to what he's
4 done, and I'm not sure he really cares about the
5 technical aspects of it, nor should he.

6 Q Now, would you -- with respect to the key
7 players involved on your team, was he aware of who
8 those folks were?

9 A I don't think he could probably list them
10 and he had never met any of the defense contractors,
11 except for one guy that was a secondary addition to
12 the team, which was GRA.

13 Q All right. Are you aware of -- other than
14 the e-mail that went out that we talked about, and
15 we've already plowed that ground, are you aware of any
16 conversations that Mr. Yessin has had with any of the
17 defense contractors or any of the persons that are on
18 this team?

19 A Dave Chandler with Gleason Research
20 Associates that we've talked about.

21 Q You talked about that person.

22 A Those are the ones I know of.

1 sending it off to Lalit.

2 Q All right.

3 A If not the day of.

4 Q And so you don't know how long that e-mail
5 from Mr. Hof sat on the GoDaddy Web site before it was
6 downloaded into your Outlook, correct?

7 A No idea.

8 Q And then did you make revisions to the
9 proposal?

10 A Probably not. I've made them just to -- you
11 know, minimal revisions in some places, but I
12 generally would edit them, send them back to Charlie.
13 Charlie would say thumbs up, he would give it back to
14 me, and then I'd ship it to Lalit.

15 Q Okay.

16 A I'm the only point of contact with Lalit.

17 Q All right. So did all of that occur during
18 the same day, time period?

19 A It would be, yeah, within a day or so. And
20 sometimes they required no editing.

21 Q And so what you just described would be
22 consistent with all of these proposals that are part

1 again, but the one that flagged my attention was the
2 text message.

3 Q All right. Now, before this e-mail came to
4 you on July 14, 2009, do you recall a discussion with
5 Mr. Yessin about what his contributions to the firm
6 had been to GPP, whether it was a loan, a capital
7 contribution, those issues?

8 A Yeah. And again, just to restate for
9 clarity, when we first did this, he said I'm happy to
10 do this for you, I'll stand this up, I'll kick this
11 off for you guys, and there was no definition to it
12 whatsoever. At a subsequent date a draft promissory
13 note came from his counsel. We had draft promissory
14 notes. He referred to it as capital contributions, he
15 referred to it as loans.

16 There was never, ever an agreement at
17 any point in time as to what that money was going to
18 actually be defined as. So the only thing we ever
19 agreed on, the three of us, at one point is when we
20 first sat down and we did this, and he said let me
21 give this to you and let you start this off, kick this
22 off.

1 And then within the context of that, of
2 course, \$50,000 of it was during the marriage, so
3 that's as much my money as it is his at that point,
4 and \$20,000 we gave back to him because he needed
5 money. So really at the end of the day, we're
6 disputing 80 grand which, to me, again, goes back to
7 the initial meeting of the minds, which was I give
8 this to you.

9 Q Okay.

10 A Lots of iterations about what is it in
11 discussions.

12 Q Right.

13 A But no actual --

14 Q All I'm trying to get to is did you have a
15 discussion with him before this e-mail that
16 precipitated this e-mail from him?

17 A Before this e-mail?

18 Q Right.

19 A Any time before? I'm sorry.

20 Q Right before, just right before, that you
21 recall.

22 A This -- on July 14?

1 MR. NEAL: That's part of the problem, I
2 think. Are you talking about the top e-mail, which
3 is --

4 MR. SIMS: Yes.

5 MR. NEAL: -- July 14, or the January
6 e-mail?

7 MR. SIMS: As I understand what's
8 happening here -- tell me if I'm wrong -- is that Mr.
9 Yessin writes you to say, "Just a sampling. You
10 acknowledged the note." Then what he's done is he's
11 cut and pasted e-mails that he has and he's sending
12 that to you.

13 MR. NEAL: Gotcha.

14 BY MR. SIMS:

15 Q I think that's what's going on here, and
16 what I'm trying to get at is what led to that? Did
17 you have a conversation with him about this, and then
18 he sends the e-mail and says no, you said this was a
19 loan?

20 A On July 14, this would have been -- he
21 served divorce documents on me at my birthday party on
22 July 12, which is a Saturday night birthday party --

1 me take a 30-second break. If I can have the stack of
2 exhibits, please.

3 (A brief recess was had.)

4 EXAMINATION BY COUNSEL FOR THE PLAINTIFF

5 BY MR. NEAL:

6 Q Katherine, let me put before you again
7 Exhibit 18. These are the proposals you identified
8 with respect to the project in India, correct?

9 A Correct.

10 Q Okay. Do each of the proposals identify how
11 much money GPP would make if this project went
12 through?

13 A It specifically identifies the total billing
14 for the projects.

15 Q Okay. And what would be GPP's percentage or
16 take of those total billings?

17 A Generally ten percent off the top of
18 whatever is billed. Could be a little bit more or a
19 little bit less, but mostly a little bit more.

20 Q If all these proposals went through, what
21 would they be worth to GPP roughly?

22 A Close to \$10 million, 10, 15. There are

1 various proposals, so \$10 million to 15 per proposal,
2 which is one to one-five per proposal for us. Close
3 to \$10 million for GPP based on proposals that we
4 have, but it could be significantly more because many
5 of the proposals have higher total dollar figures than
6 just \$10 million, but that's a basic minimum.

7 Q Is if Mr. Yessin is successful in scuttling
8 the India project, is that the amount of money GPP
9 would lose?

10 MR. SIMS: Object to the form of the
11 question.

12 A At a minimum.

13 BY MR. NEAL:

14 Q Now, yesterday you testified that you and
15 Mr. Weiss had a meeting and authorized the filing of
16 this lawsuit against Mr. Yessin on or about July 22.
17 Is that correct?

18 A I believe that's what my testimony was.

19 Q All right. Now, on December -- I'm sorry.
20 Strike that.

21 On July 10 of 2009, I sent Mr. Yessin
22 and his counsel a cease and desist letter which also

1 filed on July 31 and served on his counsel. Are you
2 aware of that?

3 A Yes.

4 Q And have you seen all the e-mails from me to
5 Mr. Yessin providing notice of both the filing of the
6 original and amended complaint?

7 A Yes, I have.

8 Q All right. As to costs, you testified
9 yesterday or today regarding the costs that GPP paid
10 in order to remedy the unlawful surveillance conducted
11 by Mr. Yessin. Do you recall that?

12 A Yes.

13 Q Now, who actually -- and the costs for the
14 e-mail system and the Web site, which you said are
15 joined, were approximately just over \$5,000, correct?

16 A Yes.

17 Q All right. Who paid? Who actually paid the
18 \$5,000?

19 A GPP.

20 Q Right. And did you pay any part of that?

21 A I made a loan to GPP for part of that, and
22 then GPP paid the fees.

1 Q Right. So the money came out of your
2 pocket?

3 A Yes.

4 MR. SIMS: What portion of the money came
5 out of her pocket?

6 BY MR. NEAL:

7 Q What portion of that money came out of your
8 pocket?

9 A I'd have to look that up, but I think -- I
10 think probably all of it at that point in time.

11 Q All right. Now, you testified earlier that
12 you spent roughly \$25,000 of your time to help remedy
13 or to fix the -- to address the unlawful surveillance
14 by Mr. Yessin, correct?

15 MR. SIMS: I'm going to object, form of
16 the question.

17 A Yes.

18 BY MR. NEAL:

19 Q Okay. Now, that approximately \$25,000 that
20 you spent in your time didn't go to GPP, correct?

21 MR. SIMS: I'm going to object to the
22 form of the question.

1 A Correct.

2 BY MR. NEAL:

3 Q And because GPP didn't get the \$25,000 worth
4 of your time, you also didn't get any of that money,
5 correct?

6 MR. SIMS: I'm going to object, form of
7 the question.

8 A Correct.

9 MR. SIMS: Leading.

10 BY MR. NEAL:

11 Q You've seen any number of operating
12 agreements today, and your testimony has been that
13 none of them were executed. Is that correct?

14 A That is correct.

15 Q All right. Now, each of those and perhaps
16 other operating agreements identified a certain
17 membership interest for Mr. Yessin, right?

18 A Yes.

19 Q Did you agree with the membership interests
20 that were allocated to Mr. Yessin in those operating
21 agreements?

22 A Not in any of them, no.

1 money?

2 A Yes.

3 Q The domain name, you testified earlier today
4 that Mr. Yessin purchased the domain name. Is that
5 correct?

6 A Correct.

7 Q When -- was it your understanding that --
8 withdrawn.

9 When did he purchase the domain name?

10 A The date?

11 Q Yeah. Do you know the date? Give me a
12 month and a year.

13 A July of 2007.

14 Q Okay.

15 A Jon Hageman purchased it at Brent's request.

16 Q Who paid for it?

17 A Brent.

18 Q Okay. Now, at that time was Brent a manager
19 of GPP?

20 A Yes. Well, what is the date of the articles
21 of incorporation? Sorry.

22 Q I don't know where I laid them. Articles of

1 organization are dated July 16, 2007.

2 A So yes, he was a manager when he purchased
3 on behalf of GPP.

4 Q Okay. And was that your understanding, that
5 he was purchasing the domain name on behalf of GPP?

6 A Yes.

7 Q Did you ever have a conversation with him
8 about that?

9 A Yes.

10 Q And based upon those conversations, that was
11 your understanding?

12 A That was my understanding.

13 Q All right. Did Mr. Yessin have a user name
14 on the GPP e-mail system?

15 A No.

16 Q Did he have an e-mail account?

17 A No.

18 Q Did he have a password?

19 A No.

20 Q Mr. Yessin has admitted to looking at at
21 least three of your e-mail accounts. Did you ever
22 give Mr. Yessin your password to those e-mail

1 accounts?

2 A Absolutely not.

3 Q Did you ever store them on one of his
4 computers?

5 A I don't store passwords on any computer.

6 Q Not even your own?

7 A Not even my own. I certainly wouldn't store
8 it on his.

9 Q Did you ever give Mr. Yessin permission to
10 go into any of these -- to access any of these e-mail
11 accounts?

12 A No.

13 Q Did you ever give him authorization to
14 access any of these e-mail accounts?

15 A Never.

16 Q Mr. Yessin has also admitted going into Mr.
17 Weiss's GPP e-mail account. Did you give Mr. Yessin
18 the password to Mr. Weiss's e-mail account?

19 A No.

20 Q Do you know if Mr. Weiss did? Do you know
21 if Mr. Weiss gave Mr. Yessin the password to his
22 e-mail?

1 A No, he did not.

2 Q Did anyone at GPP give Mr. Yessin
3 authorization to go into these e-mail accounts?

4 A No, absolutely not.

5 MR. NEAL: Pass the witness.

6 FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANTS
7 BY MR. SIMS:

8 Q When you left your prior employment -- what
9 was it, Global Partners, or Global what?

10 A Global Policy Group.

11 Q Global Policy Group. Was there -- did
12 issues arise between you and the group --

13 A It was a partnership between me and one
14 other person. So there wasn't a group, it was just
15 two of us.

16 Q Right. I'm just shortening up the group,
17 the name. Was there at some point contemplation that
18 there might be litigation between you and your other
19 partner?

20 A Litigation between us?

21 Q Yes. Are you aware that Mr. Yessin has
22 indicated that he -- you asked him to go onto your

1 e-mail account with Global Partners Group?

2 A I saw that he stated that in one of the
3 responses, but it's not accurate.

4 Q Okay.

5 A There's no sensical reason why I would have
6 him randomly go into my e-mail system to look for what
7 I don't know, but I absolutely did not do that.

8 Q Well, was there issues or concerns at the
9 time you left with a potential defamation claim or
10 other type of claim?

11 A Yes.

12 Q And did you ask him to investigate the basis
13 of bringing such a claim?

14 A I asked him -- yes. I asked him about
15 defamation and what it would take from a legal
16 standpoint because, again, he's a transactional
17 attorney.

18 Q All right. And did you -- so you don't
19 recall at any point in time asking him to look at
20 information that might be on your e-mail account?

21 A I might have shown him an e-mail or two, but
22 I certainly didn't give him passwords and access to my

1 e-mail account.

2 Q Okay. Well, the question --

3 A Let me rephrase that. Also the
4 transactional work that he's done is previous
5 corporate transactional work. He doesn't do it now.

6 Q So if I understand your testimony, it's
7 possible that you may have accessed your account while
8 he was there, or he may have accessed your account
9 while you were standing over his shoulder or next to
10 him?

11 A No.

12 MR. NEAL: Objection, lacks foundation.

13 A He's never accessed my e-mail accounts with
14 my knowledge, with my acquiescence.

15 BY MR. SIMS:

16 Q All right. In response to a question by
17 your counsel, you said you had an understanding from a
18 conversation with Mr. Yessin in July of 2007 that he
19 was purchasing the domain name on behalf of or for the
20 benefit of GPP.

21 A Correct.

22 Q Describe that conversation to me. What was

1 said?

2 A I could only paraphrase it, but we were
3 talking about setting up the domain name, and he said
4 I'll take care of it, I'll call my IT guy, and Jon
5 then worked through Dawn Russell, and Dawn Russell
6 sent me the information on it.

7 Q All right. Now, in July of this year, 2009,
8 or August of -- July of 2009, let's put it there --
9 before GPP went about changing its domain name, you
10 had sent a letter through counsel to Mr. Yessin
11 setting forth a cease and desist, right?

12 A Correct.

13 Q Did you also demand return of the GPP domain
14 name or demand that he exercise powers to assign the
15 domain name to GPP?

16 A I wasn't aware at that time that it was in
17 his name.

18 Q Okay. At any point in time did you make
19 that demand, GPP make that demand to him?

20 A Brent threatened to turn off the Web site
21 and turn off the e-mail systems in order to tank the
22 company. I don't think he was in a position of